

BOMBAY JAIL MANUAL

CONTAINING THE RULES FOR THE SUPERINTENDENCE AND
MANAGEMENT OF JAILS

IN THE
BOMBAY PRESIDENCY

PRESCRIBED BY THE GOVERNMENT OF BOMBAY

PART II.

REVISED EDITION, 1915

PREPARED BY THE INSPECTOR-GENERAL OF PRISONS,
BOMBAY PRESIDENCY, UNDER THE ORDERS OF GOVERNMENT



BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1915

**APPENDICES TO
THE BOMBAY JAIL MANUAL, 1911.**

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THE SCHEDULE**ENACTMENTS REPEALED.**

ACT No. IX OF 1894.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the
22nd March 1894)

An Act to amend the law relating to Prisons

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prisons Act, 1894

It extends
and com-
prehends

(2) It extends to the whole of the British India inclusive of Upper Burma British Baluchistan the Santal Parganas and the Pargana of Spiti and

(3) It shall come into force on the first day of July 1894

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 4 to 11 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments

2. (1) On and after the said first day of July 1894 the enactments mentioned in the schedule shall be repealed in the manner specified in the fourth column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been made, given and issued under this Act

(3) Any enactment or document mentioned in any of those enactments shall, so far as may be, be construed as if it were this Act or to the corresponding portion thereof.

3 In this Act—

De-
fines

(1) prison means any jail or place where permanently or temporarily under the control or management of a Local Government for the detention of persons and includes all lands and buildings appurtenant thereto, but does not include

- (a) any place for the confinement of prisoners who are exclusively in the custody of the police,
- (b) any place specially appointed by the Local Government under section 341 of the Code of Criminal Procedure, 1882, or
- (c) any place which has been declared by the Local Government, by general or special order, to be a subsidiary jail,

X of 1892.

(2) "criminal prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court martial

X of 1892
& of 1871

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act 1871

(4) "civil prisoner" means any prisoner who is not a criminal prisoner

(5) remission system means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails

(6) "history ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder

(7) "Inspector General" means the Inspector General of Prisons

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act

CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

Accommoda-
tion for
prisoners.

4. The Local Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners

Inspector
General.

5. An Inspector General shall be appointed for the territories subject to each Local Government and shall exercise, subject to the orders of the Local Government, the general control and

superintendence of all prisons situated in the territories under such Government .

6. For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailor and such other officers as the Local Government thinks necessary Officers of prisons.

Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, declare by order in writing that in any prison specified in the order the office of Jailor shall be held by the person appointed to be Superintendent

7. Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and is not convenient to transfer the excess number to some other prison Temporary accommodation for prisoners

or whenever from the outbreak of epidemic disease within any prison, or for any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison

CHAPTER III

DUTIES OF OFFICERS

Generally

8. All officers of a prison shall obey the directions of the Superintendent, all officers subordinate to the Jailor shall perform such duties as may be imposed on them by the Jailor with the sanction of the Superintendent or be prescribed by rules under section 60 Control and duties of officers of prisons.

9. No officer of a prison shall sell or let nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner Officers not to have business dealings with prisoners

10. No officer of a prison shall, nor shall any person in trust for or employed by him have any interest, direct or indirect, in any contract for the supply of the prison, nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner Officers not to be interested in prison contracts.

Superintendent

Superintendent

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control

(2) Subject to such general or special directions as may be given by the Local Government, the Superintendent of a prison other than a central prison or a prison situated in a presidency town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon

Records to be kept by Superintendent.

12. The Superintendent shall keep or cause to be kept, the following records —

- (1) a register of prisoners admitted,
- (2) a book showing when each prisoner is to be released,
- (3) a punishment book for the entry of the punishments inflicted on prisoners for prison offences,
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison,
- (5) a record of the money and other articles taken from prisoners,

and all such other records as may be prescribed by rules under section 59 or section 60

Medical Officer

Duties of Medical Officer

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under section 60

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper

This report, with the orders of the Superintendent thereon shall forthwith be sent to the Inspector General for information

Report on death of prisoner

15. On the death of any prisoner the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely —

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,

- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

Jailor.

16. (1) The Jailor shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailor shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

17. Upon the death of a prisoner, the Jailor shall give immediate notice thereof to the Superintendent and the Medical Subordinate. Jailor to give notice of death of prisoner.

18. The Jailor shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners. Responsible for custody of Jailor.

19. The Jailor shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent. Jailor to be present at night.

20. Where a Deputy Jailor or Assistant Jailor is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailor under this Act or any rule thereunder. Powers of Deputy & Assistant Jailors.

Subordinate Officers

21. The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailor. Duties of gate-keeper.

Subordinate officers not to be absent without leave 22. Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer

Convict officers XLV of 1860 23. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

Prisoners to be examined on admission 24. (1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer

Effects of prisoners 25. All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer

Removal and discharge of prisoners 26. (1) All prisoners previously to being removed to any other prison, shall be examined by the Medical Officer

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal

(3) No prisoner shall be discharged against his will from prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe

CHAPTER V

DISCIPLINE OF PRISONERS

Separation of prisoners. 27. The requisitions of this Act with respect to the separation of prisoners are as follows —

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or

separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners,

- (2) in a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not,
- (3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners, and
- (4) civil prisoners shall be kept apart from criminal prisoners

28. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association and segregation of prisoners or individually in cells or partly in one way and partly in the other

29. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate

30. (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailor, and all articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

31. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food clothing bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General

32. No part of any food, clothing bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources for such time as the Superintendent thinks proper

33. (1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative shall, within forty eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner may be released

CHAPTER VII

EMPLOYMENT OF PRISONERS

Employment
of civil pri-
soners

34. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings, but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance

Employment
of criminal
prisoners

35. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent be kept to labour for more than nine hours in any one day

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history ticket of each prisoner employed on labour the weight of such prisoner at the time

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him

Employment
of criminal
prisoners
sentenced to
simple im-
prisonment

36. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment, but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by rules of the prison in the case of neglect of work by such a prisoner

CHAPTER VIII

HEALTH OF PRISONERS

Sick prison-
ers

37. (1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall without delay, be reported by the officer in immediate charge of such prisoners to the Jailor

(2) The Jailor shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner

38. All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other record as the Local Government may by rule direct, and the Jailor shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with accompanied by such observations if any, as the Jailor thinks fit to make and the date of the entry

Record of
directions of
Medical Offi-
cers

39. In every prison an hospital or proper place for the reception of sick prisoners shall be provided

Hospital.

CHAPTER IX

VISITS TO PRISONERS

40. Due provision shall be made for the admission at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice prisoners under trial may see their duly qualified legal advisers without the presence of any other person

Visits to civil
and uncon-
victed crim-
inal prisoners

41. (1) The Jailor may demand the name and address of any visitor to a prisoner, and, when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor

Search of
visitors

(2) In case of any such visitor refusing to permit himself to be searched, the Jailor may deny him admission and the grounds of such proceeding with the particulars thereof shall be entered in such record as the Local Government may direct

CHAPTER X

OFFENCES IN RELATION TO PRISONS

42. Whoever, contrary to any rule under section 60, introduces or removes or attempts by any means whatever to introduce or remove into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed

Penalty for
introduction
or removal of
prohibited
articles into
or from
prison and
communica

tion with
prisoners.

from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months or to fine not exceeding two hundred rupees or to both

Power to
arrest for
offence under
section 42

43. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay make him over to a Police officer, and thereupon such Police officer shall proceed as if the offence had been committed in his presence

Publication
of penalties

44. The Superintendent shall cause to be affixed in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission

CHAPTER XI

PRISON OFFENCES

Prison
offences.

45. The following acts are declared to be prison offences when committed by a prisoner —

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison offence,
- (2) any assault or use of criminal force,
- (3) the use of insulting or threatening language,
- (4) immoral or indecent or disorderly behaviour,
- (5) wilfully disabling himself from labour,
- (6) contumaciously refusing to work,
- (7) filing, cutting, altering or removing hand cuffs, fetters or bars without due authority,
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment,
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment,
- (10) wilful damage to prison property,
- (11) tampering with or defacing history tickets, records or documents,
- (12) receiving, possessing or transferring any prohibited article,

- (13) feigning illness ;
- (14) wilfully bringing a false accusation against any officer or prisoner ;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official ; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid

45. The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by — Punishment of such offences

- (1) a formal warning

Explanation—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history ticket,

- (2) change of labour to some more irksome or severe form,
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment,
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in Council,
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months,
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council,
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council,
- (8) separate confinement for any period not exceeding six months

Explanation—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners,

- (9) penal diet,—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week,

(10) cellular confinement for any period not exceeding four teen days

Provided that after each period of cellular confinement an interval of not less duration than such period must clapse before the prisorer is again sentenced to cellular or solitary confinement

- *Explanation*—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners,

(11) solitary confinement for any period not exceeding seven days

Provided that after each period of solitary confinement an interval of not less duration than such period must clapse before the prisoner is again sentenced to solitary or cellular confinement

Explanation—Solitary confinement means such confinement with or without labour as entirely seccludes the prisoner both from sight of, and communication with, other prisoners

(12) penal diet as defined in clause (9) combined with solitary confinement as defined in clause (11)

(13) whipping provided that the number of stripes shall not exceed thirty

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters or to whipping

47. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination subject to the following exceptions namely —

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section
- (2) penal diet shall not be combined with change of labour under clause (2) of that section nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement,
- (3) solitary confinement shall not be combined with cellular confinement or with separate confinement, nor cellular confinement with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable,
- (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system

48. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector General

Award of punishments under sections 46 and 47

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever

49. Except by order of a Court of Justice, no punishment other than the punishments specified be inflicted on any prisoner, and no on any prisoner otherwise than in accordance with those sections

Punishments to be inflicted

50. (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12

Medical Officer to certify to fitness of prisoner for punishment

(2) If he considers the prisoner unfit to undergo the punishment shall, in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health

51. (1) In the punishment book prescribed in section 12 there shall be recorded in respect of every punishment inflicted, the prisoner's name register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison offences recorded against the prisoner, and the date of his last prison offence, the punishment awarded, and the date of infliction

Entries in punishment book

(2) In the case of every serious prison offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries

52. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class having jurisdiction together

Procedure on committal of heinous offence

with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the first class and

Provided also that no person shall be punished twice for the same offence

Whipping

53. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate

(2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan

Offences by
prison sub-
ordinates

54. (1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees or to imprisonment for a period not exceeding three months, or to both

(2) No person shall under this section be punished twice for the same offence

CHAPTER XII

MISCELLANEOUS

Extramural
custody
control and
employment
of prisoners.

55. A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison

Confinement
in irons.

56. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Local Government, so confine them

57. (1) Prisoners under sentence of transportation may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison

Confinement of prisoners under sentence of transportation in irons.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly

58 No prisoner shall be put in irons or under mechanical restraint by the Jailor of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent

Prisoners not to be ironed by Jailor except under necessity

59. The Governor General in Council may for any part of British India, and each Local Government with the previous sanction of the Governor General in Council may for the territories under its administration make rules consistent with this Act—

Power to make rules.

- (1) defining the acts which shall constitute prison offences,
- (2) determining the classification of prison offences into serious and minor offences,
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof,
- (4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence,
- (5) for the award of marks and the shortening of sentences,
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape,
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released,
- (8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire, and
- (9) generally, for carrying into effect the purposes of this Act

60. The Local Government may, subject to the control of the Governor General in Council, make rules consistent with this Act—

Power of Local Government to make rules.

- (a) for the classification of prisons and description and construction of wards, cells and other places of detention,

- (b) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons,
- (c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act
- (d) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost,
- (e) for the employment, instruction and control of convicts within or without prisons,
- (f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited,
- (g) for classifying and prescribing the forms of labour and regulating the periods of rest from labour,
- (h) for regulating the disposal of the proceeds of the employment of prisoners,
- (i) for regulating the confinement in fetters of prisoners sentenced to transportation,
- (j) for the classification and the separation of prisoners,
- (k) for regulating the confinement of convicted criminal prisoners under section 28,
- (l) for the preparation and maintenance of history tickets
- (m) for the selection and appointment of prisoners as officers of prisons,
- (n) for rewards for good conduct,
- (o) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire
- (p) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons,
- (q) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends,
- (r) for the appointment and guidance of visitors of prisons,
- (s) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 511 of the Code of Criminal Procedure, 1852 and to the officers employed and the prisoners confined, therein, and
- (t) generally, in regard to the admission, custody, employment, discipline, treatment and release of prisoners, and for other purposes consistent with this Act

ACT No. XIII OF 1910.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*[Received the assent of the Governor General on the
23rd March 1910]*

An Act to amend the Prisons Act, 1894

of 1910. **WHEREAS** it is expedient to amend the Prisons Act, 1894,
It is hereby enacted as follows —

1. This Act may be called the Prisons (Amendment) Act, 1910 Short title.
2. In section 52 of the Prisons Act, 1894, the following amendments shall be made, namely — Amendment
of section 52,
Act IX, 1894
 - (1) after the words "Magistrate of the first class" the words
"or Presidency Magistrate" shall be inserted, and
 - (2) for the first proviso the following shall be substituted
namely.
"Provided that any such case may be transferred for inquiry
and trial by the District Magistrate to any Magistrate of
the first class and by a Chief Presidency Magistrate to any
other Presidency Magistrate and"

Year	No.	Title or short title	Extent of repeal.
1	2	3	4

Acts of the Governor of Bombay in Council

1874	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein	So much as has not been repealed except sections 9 to 16 (both inclusive) as amended by Bombay Act II of 1887
1862	II	An Act to amend Bombay Act II of 1874	Section 3
1883	IV	An Act to amend the Law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code	The whole
1887	I	An Act to further amend Bombay Act II of 1874	The whole

Acts of the Lieutenant Governor of Bengal in Council

1864	II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1865	V	An Act to amend Act II of 1864 passed by the Lieutenant Governor of Bengal in Council and to extend the provisions thereof to the Presidency Jail	So much as has not been repealed

Regulations made under the Statute 33 Victoria, Chapter 3

1872	III	Santhal Parganas Settlement Regulation	So much of the Schedule (as amended by Regulation III of 1886) as relates to Bengal Acts II of 1864 and V of 1865
1874	IV	Arakan Hill District Laws Regulation 1874	So much as relates to Act XVI of 1870
1875	II	Assam Prisons Regulation 1875	The whole
1890	I	British Baluchistan Laws Regulation 1890	So much as relates to Act XVI of 1870

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and trial by the District Magistrate to any Magistrate of
the first class and by a Chief Presidency Magistrate to any
other Presidency Magistrate and"

BOMBAY ACT No. II OF 1874.

PART III

CIVIL JAILS

8. [*Limitation of application of Part III*] *Repealed by Act IX of 1891*

Civil jail to be at seat of each District Court, and may be at other places
 9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of Act XIV of 1869. Provided that it shall be in the power of the Governor in Council to establish civil jails at other convenient places

Nazir of District Court to be keeper of civil jail and to have establishment under him
 10. The Nazir of the District Court or of the chief Civil Court at the place where the civil jail is located shall be *ex officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the Governor in Council, may direct

Judge to visit civil jail
 11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit

He shall record the date of his visit and any remarks he may have to make, in a book to be kept for the purpose

Medical officer to attend jail
 12. A medical officer to be appointed by the Governor in Council shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners

Remedies administered at expense of Government
 He shall also administer remedies at the expense of the Government to the sick. Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult

Strangers may be admitted to civil jail
 13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 A.M. till 3 P.M., and no stranger shall be allowed to remain in the civil jail beyond the abovementioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the Nazir in charge of the jail

Subsistence of prisoners in civil jails
 14. *Clause 1*—Prisoners in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence money or batta furnished by the party at whose suit they are detained, require the Nazir to furnish their food and other necessities out of the subsistence money fixed for them by the Court by which they are committed. Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of

prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners

Clause 2—Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Názir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the Názir on demand in writing the cost of the clothing and bedding so supplied to the prisoner, and in default of such payment the prisoner shall be released

15. Whenever a prisoner shall die in the civil jail, the Názir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12 [^a] has certified to his death, be made over to his relatives or friends [^b] if any be present and willing to take charge of it [^b]

Disposal of
corpses of
prisoner
dying in civil
jail

[^c] If no relative or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of

[^d] 16. If, at the time of a prisoner's death or release, any of the subsistence money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives. Provided that he or they claim payment thereof within three months from the date of such notice, failing which such balance shall become the property of Government

Disposal of
subsistence
money in
hand on
prisoner's
death or
release

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jail, shall be provided by Government subject to such rules as Government may from time to time prescribe in this behalf

Cost of
disposing of
corpses and
other
expenses con-
nected with
civil jail to
be provided
by Govern-
ment.

NOTE.—The remainder of this Act has been repealed.

[a] Words repealed by Bom. Act III of 1886 are omitted.

[b b] These words were substituted for the original words by Bom. Act II of 1882, s. 1

[c] This clause was added by Bom. Act II of 1882, s. 1

[d] This section was substituted for the original s. 16 by Bom. Act II of 1882, s. 2

THE PRISONERS ACT, 1900 (III OF 1900).

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ACT No. III OF 1900.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

*[Received the assent of the Governor General on the
2nd February 1900]*An Act to consolidate the law relating to Prisoners
confined by order of a Court

WHEREAS it is expedient to consolidate the law relating to
prisoners confined by order of a Court,
It is hereby enacted as follows —

PART I

PRELIMINARY

1 (1) This Act may be called the Prisoners Act, 1900

Short title
extent and
commence-
ment.(2) It extends to the whole of British India, inclusive of British
Baluchistan, the Santhal Parganas and the Pargana of Spiti, and

(3) It shall come into force at once

2 In this Act, unless there is anything repugnant in the subject Definitions
or context,—(a) "Court" includes a Coroner and any officer lawfully
exercising civil, criminal or revenue jurisdiction, and(b) "prison" includes any place which has been declared by
the Local Government, by general or special order, to be a
subsidiary jail

PART II.

GENERAL

3 The officer in charge of a prison shall receive and detain all
persons duly committed to his custody under this Act or otherwise,
by any Court, according to the exigency of any writ, warrant or
order by which such person has been committed, or until such
person is discharged or removed in due course of law

Officers in
charge of
prisons to
detain per
sons duly
committed to
their custody

4 The officer in charge of a prison shall forthwith, after the
execution of every such writ, order or warrant as aforesaid other
than a warrant of commitment for trial, or after the discharge of
the person committed thereby, return such writ, order or warrant
to the Court by which the same was issued or made, together with
a certificate, endorsed thereon and signed by him, showing how the
same has been executed, or why the person committed thereby has
been discharged from custody before the execution thereof

Officers in
charge of
prisons to
return writs
etc after
execution or
discharge.

PART III

PRISONERS IN THE PRESIDENCY TOWNS

Warrants
etc. to be
directed to
Police
officers.

5 Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police officer within the local limits of such jurisdiction.

Power for
Local Gov-
ernments to
appoint
Superinten-
dents of
Prisoners
in towns.

6 The Local Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this part.

Explanation — Any officer so appointed, by whatever designation he may be styled is hereinafter referred to as "the Superintendent."

Delivery of
persons
sentenced to
imprisonment
or death by
High Court.

7 Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

Delivery of
persons
sentenced to
transportation
or penal
servitude by
High Court.

8 Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude the Court shall cause him to be delivered for intermediate custody to the Superintendent and the transportation or penal servitude of such person shall be deemed to commence from such delivery.

Delivery of
persons com-
mitted by
High Court
in execution
of a decree
for contempt.

9 Where any person is committed by the High Court whether in execution of a decree or for contempt of Court or for any other cause the Court shall cause him to be delivered to the Superintendent together with its warrant of commitment.

Delivery of
persons sen-
tenced by
Magistrates.

10 Where any person is sentenced by a Presidency Magistrate to imprisonment or is committed to prison for failure to find security to keep the peace or to be of good behaviour the Magistrate shall cause him to be delivered to the Superintendent together with his warrant.

to release on security of section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order or until he is released in due course of law

Civil Proce-
dure of appli-
cation for in-
solvency

13 (7) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court or a Judge thereof, is then sitting for the exercise of the original jurisdiction

Delivery of
persons ar-
rested in
pursuance of
warrant of
High Court
or Civil Court
in Presi-
dency town

(2) If the said Court or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid

the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law, and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose

PART IV

PRISONERS OUTSIDE THE PRESIDENCY TOWNS

14 In this part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein

References in
this part to
prisons etc.,
to be con-
strued as re-
ferring also
to Reforma-
tory Schools.

15 (1) Officers in charge of prisons outside the Presidency towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

Power for
officers in
charge of pri-
sons to give
effect to sen-
tences of cer-
tain Courts.

- (a) by any Court or tribunal acting whether within or without British India under the general or special authority of Her Majesty, or of the Governor General in Council, or of any Local Government, or
- (b) by any Court or tribunal in the territories of any Native Prince or State in India
 - (i) if the presiding Judge, or if the Court or tribunal consists of two or more Judges at least one of the Judges, is an officer of the British Government authorized to sit as such Judge by the Native Prince or State or by the Governor General in Council, and

- (ii) if the reception, detention or imprisonment in British India or in any province of British India of persons sentenced by any such Court or tribunal has been authorised by general or special order by the Governor General in Council or the Local Government, as the case may be, or
- (c) by any other Court or tribunal in the territories of any *Native Prince or State in India*, with the previous sanction of the Governor General in Council or of the Local Government in the case of each such sentence, order or warrant

(2) Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been considered on the merits and confirmed by any such officer specially authorized in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council

Warrant of officer of such Court to be sufficient authority

16 A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him

Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this part

17 (1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this part, or the competency of the person whose official seal or signature is affixed thereto to pass the sentence and issue the warrant or order he shall refer the matter to the Local Government, by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner

(2) Pending a reference made under sub section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order

Execution in British India of certain capital sentences not ordinarily executable there

18 (1) Where a British Court exercising, in or with respect to territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory,—

(a) has sentenced any person to death, and

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in British India, has issued its warrant for the execution of such sentence to the officer in charge of a prison in British India,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same

manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 391 (V of 1898) of the Code of Criminal Procedure, 1898

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall be such as the Governor General in Council or a Local Government authorized by the Governor General in Council in this behalf may, by general or special order, direct

(3) A Court shall be deemed to be a British Court for the purposes of this section if the presiding Judge, or if the Court consist of

Provided that every warrant issued under this sub section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the British Government authorized as aforesaid

PART V

PERSONS UNDER SENTENCE OF PENAL SERVITUDE

19 (1) Every person under sentence of penal servitude may be confined in such prison within British India as the Governor General in Council, by general order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being by law be dealt with

Persons under sentence of penal servitude how to be dealt with

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence

20 Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be construed to apply to persons under sentence of penal servitude

Enactments respecting persons under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude

21 (1) The Governor General in Council may grant to any person under sentence of penal servitude a license to be at large within British India or in such part thereof as in such license expressed, during such portion of his term of penal servitude and upon such conditions as the Governor General in Council may think fit

Power to grant license to persons sentenced to penal servitude

(2) The Governor General in Council may revoke or alter any license granted under sub section (1)

Licensee to be allowed to go at large 22 So long as any license granted under section 21, sub section (1), continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the license

Apprehension of convict where license revoked 23 In case of the revocation of any such license as aforesaid any Secretary to the Government of India may, by order in writing signify to any Justice of the Peace or Magistrate that the license has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly

Execution of warrant 24 A warrant issued under section 23 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed

Licensee when arrested to be brought up for recommitment 25 (1) When the license, for whose arrest a warrant has been issued under section 23, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested

(2) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the license

Recommitment 26 When a warrant has been issued under section 25, sub section (2), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license is equal to the term mentioned in the original sentence

Penalty for breach of condition of the license 27 If a license is granted under section 21 upon any condition specified therein and the licensee—

- (a) violates any condition so specified or
- (b) goes beyond the limits so specified or
- (c) knowing of the revocation of the license neglects forthwith to surrender himself or conceals himself or endeavours to avoid arrest

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence

PART VI

REMOVAL OF PRISONERS

28 In this part, all references to prison or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein

References in this part to prisons, &c. to be construed as referring also to Reformatory Schools

29 Where any person is, or has been, sentenced to imprisonment

Removal of

of
1893

nal Procedure, 1898, the Local Government or (subject to its orders and under its control) the Inspector General of Prisons may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the prison in which he is confined to any other prison within the Province

in
the same
Province

30 (1) Where it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the Province there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law

Lunatic prisoners how to be dealt with.

(2) Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the Province, or, if the prisoner is no longer, liable to be kept in custody, order him to be discharged

XXVI
1858
(3) The provisions of section 9 of the Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, and the time during which a prisoner is confined in a lunatic asylum under that sub section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo

(4) In any case in which a Local Government is competent under sub section (1) to order the removal of a prisoner to a lunatic

asylum or other place of safe custody within the Province, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

Removal of
prisoner
from one
asylum
under
one Local
Government
to another
under
another

21. When any person is or has been sentenced to imprisonment or transportation by any Court or, in default of giving security for good behaviour, has been committed to or is detained in prison under section 127 of the Code of Criminal Procedure 1873, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, to the place or to the prison in which he is confined to any other prison in British India.

PART VII

PRISONER UNDER SENTENCE OF TRANSPORTATION

Appointment
of places
of confinement
of persons
under
sentence of
transportation
to places
of confinement

22. The Governor General in Council may appoint places within British India to which persons under sentence of transportation shall be sent and the Local Government, or some officer duly authorized in the behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

PART VIII

PROVISIONS OF PRISONERS

Release of
prisoner
from custody
of High Court
of Criminal
Justice
from custody
of prison

23. Any Court established under the Indian High Courts Act 1861, may, if any person therein has recommended to Her Majesty's High Court of Criminal Justice, the granting of a free pardon to any prisoner permit him to be at large.

PART IX

PROVISIONS FOR IMPROVING THE ATTENDANCE OF PRISONERS AND CONTAINING THEIR EXPENSES.

PROVISIONS FOR IMPROVING THE ATTENDANCE OF PRISONERS

Provision
for the
improvement
of the
prisoners
in the
prison
and for
the
improvement
of the
prisoners
in the
prison

24. In this Part all reference to prisons or to imprisonment or to any other place shall be extended as referring also to Reformatory Schools or to detention there.

35 Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison

Power for Civil Courts to require appearance of prisoner to give evidence

36 (1) Where an order under section 35 is made in any civil matter pending—

District Judge in certain cases to counter sign orders made under section 35

(a) In a Court subordinate to the District Judge, or

(b) In a Court of Small Causes outside a Presidency town,

it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by,—

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the Subordinate Court or Court of Small Causes, as the case may be of the facts which in his opinion render the order necessary, and the District Judge may after considering such statement, decline to countersign the order

37 Subject to the provisions of section 39 any Criminal Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction if it is a High Court, or if it is not a High Court then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule as the case may be, directed to the officer in charge of the prison

Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge

Provided that if such Criminal Court is inferior to the Court of a Magistrate of the first class the order shall be submitted to and countersigned by the District Magistrate to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated

38 Where any person, for whose attendance an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate the order shall be sent by the Court by which it is made or countersigned to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined

Order to be transmitted through Magistrate of the district or sub-division in which person is confined

There is
nothing in
moral is
distant of
people on
and in
people's
lives as in
this one
limited
time for
life is
not a
time

29 (1) Where a person is confined in a prison within a Presidency town or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which the evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he thinks that such person should be removed under the Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the first schedule directed to the officer in charge of the prison.

(9) The High Court making an order under sub-section (1) shall send it to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person named therein is confined or, in the case of a person confined in a prison within a Presidency town, to the Commissioner of Police and such Magistrate or Commissioner shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

THE

40. Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under the Part IV of the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto apply in writing to the Local Government of the territory within which the prison is situate and the Local Government may, if it thinks fit, order that the person be so removed, subject to such rules regulating the escort of prisoners as the Governor General in Council may prescribe.

Page: 10
Date: 10/10/10

41 Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presiding officer of the Court shall direct him to be taken back to the prison in which he was confined.

Answer to
 Question
 to page 1
 on page
 100
 100

42. The Governor-General in Council or the Local Government may, from time to time, in the Gazette of India or the Local Official Gazette, as the case may be, direct that any person or any class of persons shall be removed from the public places where they may be confined, and the removal, and subsequent return, of persons to leave the premises of the Prisoner shall be subject to the order of the Prison Officer or the Prison Officer in charge of the Prison.

(1) $\frac{1}{2}$ of the
 amount of
 the total of the
 100,000,000
 pounds of the
 100,000,000
 pounds of the

43 Is any of the foregoing that a person —

[illegible]

of the prison in which he is confined, shall apply to the District or Sub divisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed, or

- (b) Where the person named in any such order is under committal for trial; or
- (c) Where the person named in any such order is under a remand pending trial or pending a preliminary investigation, or
- (d) Where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined,

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court from which the order has been issued, a statement of the reason for so abstaining

Provided that such officer as aforesaid shall not so abstain where—

- (i) The order has been made under section 37, and
- (ii) The person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed, and
- (iii) The place where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined

Commissions for Examination of Prisoners

44 In any of the following cases, that is to say —

- (a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 42 or section 43, cannot be removed, is material in any matter pending before it, or
- (b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter, or
- (c) where the District Judge declines, under section 36, to countersign an order for removal,

the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of the person in the prison in which he is confined

*Commissions
for examina-
tion of pri-
soners.*

any civil matter, the Court should calculate the charges for escort parties according to the scale shown in Schedule A attached to these rules, and should take the average distance covered by escort parties travelling by road at from ten to fifteen miles per diem. The Court should also estimate for the whole time likely to be occupied in going, waiting and returning. Where the journey is performed by rail, the cost of third class fares both ways for a whole compartment should be added. The fares by boat or steamer must be estimated on such information as the Court may itself possess. In every case 4 annas per diem, for each prisoner's diet money, and 10 per cent on the cost of the guard for contingencies should be added. Any balance deficient between the amount estimated by the Court and the charge entered in the bill preferred by the District Superintendent or Commissioner of Police at the Presidency shall be recovered by the Court under section 50 of the Act. The Court before whom any prisoner appears to give evidence should take his evidence without unnecessary delay.

11 The foregoing rules do not apply to State prisoners confined by order of Government, whose attendance in any Court can only be arranged for under the special orders of Government in each case.

SCHEDULE A

Number of Prisoners	Number of Constables employed	Cost per diem
1 Prisoner	2 Constables	Rs a p 0 12 0
1 Prisoner if the distance to be escorted is so great as to render halt for the night necessary en route to enable a sentry with relief being furnished at night	1 Head Constable and 3 Constables	1 12 0
2 or 3 prisoners	1 Head Constable and 3 Constables	1 12 0
4 or 5 prisoners	1 Head Constable and 4 Constables	2 2 0
6 or 8 prisoners	1 Head Constable and 4 Constables	2 2 0
For every 2 prisoners above six	1 Additional Constable	0 6 0

*By order of His Excellency the Right
Honourable the Governor in Council,*

(Signed) S W LEDGERLEY,
Acting Chief Secretary to Government

No 6322

JUDICIAL DEPARTMENT

Bombay Castle, 6th October 1902

NOTIFICATION

Under section 52 of the Prisoners Act, 1900 (III of 1900), His Excellency the Governor in Council is pleased to declare, in super

session of Government Notification No 1809, dated the 18th May 1870, that in the case of prisons administered under the Prisons Act, 1891 (IX of 1891), the Superintendents of such prisons, and in the case of Civil jails administered under Bombay Act II of 1874 as amended by subsequent Enactments, the Nazirs of the District Courts shall be deemed to be officers in charge of prisons for the purposes of Part IX of the Prisoners Act, 1900

*By order of His Excellency the Right
Honourable the Governor in Council,*

(Signed) S W EDGERLEY,
Acting Chief Secretary to Government

BOMBAY REGULATION XXV OF 1827 [a]

Passed on 1st January, 1827

A Regulation for the confinement of State prisoners and for the attachment of the lands of Chieftains and others for reasons of State [b]

WHEREAS reasons of State embracing the due maintenance of the alliances formed by the British Government with foreign Powers the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings or when such proceedings may not be adapted to the nature of the case or may for other reasons be unadvisable or improper

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council,

and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamindars talukdars and others situated within the zilas subordinate to Bombay should be attached and placed under the temporary management of the Revenue authorities, without having recourse to any judicial proceeding

the following rules have therefore been enacted [c]

Act No. XXV of 1827 as amended by the Legislative Act No. 6 of 1874

(3) the Parva of Singpur (6) the Parva of Nawalpur
and in the Peint Territory—see Appendix pp xi xlv xlv and lxi respectively

[b] For further provisions see Acts XXIV of 1850 and III of 1853 in General Acts 1834-66 Ed. 1837

[c] Words repealed by Act VII of 1873 are omitted

5 *First*—Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council, whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life

Report to Government as to confinement, &c., of prisoner

Second—The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor in Council

Representations of prisoner to be submitted

6 [*Persons already confined as State Prisoners*] Repealed by Act XII of 1876

CHAPTER II

RULES FOR THE ATTACHMENT OF LANDS FOR REASONS OF STATE, AND FOR REMOVING SUCH ATTACHMENT

7 Whenever the Governor in Council, for reasons of the nature of those specified in the preamble to this Regulation shall judge it necessary to attach the estates or lands of any zamindár, jaghirdár, talukdár or other person without any previous decision of a Court of Justice, or other judicial proceeding the grounds on which the resolution of Government may have been adopted and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and the District Magistrate [a] or other civil authorities of the district in which the lands or estates may be situated [b]

Attachment of estates by order of Government without decision of a Court

8 *First*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles if consistent with the rights of others, as had been followed by the proprietor provided, however, that any change may be introduced which the proprietor may desire and which may not infringe on private rights nor appear objectionable to the Collector and annual accounts of the management of the lands attached shall be furnished to the proprietor

Management of attached lands.

Second—Such lands or estates while so under attachment, shall not be liable to be sold by process of law or otherwise without the mutual consent of Government and the proprietor, but the annual income or any portion of it may, if Government shall so direct, be applicable to the satisfaction of decrees of the Civil Court

Attached lands how saleable in execution. Income applicable to satisfaction of decrees.

[a] District Magistrate was substituted for Magistrate by Bom. Act III of 1886 s. 2 printed in Vol. III of this Code

[b] Words repealed by Act XII of 1876 are omitted.

Rules as to
cases where
Governmen
orders release
from attach
ment

9 Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government and to pay over to the proprietor the profits from the estates which may have accumulated during the attachment

APPENDIX A

To THE (*here insert the officer's designation*) [a]

WHEREAS the Governor in Council for good and sufficient reasons, has resolved that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby ordered in pursuance of that resolution, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council and the provisions of Regulation XXV A D 1827

By order of the Governor in Council,

(Signed) A B

Secretary to Governm ent

BOMBAY CASTLE

day of ——— 18

[a] As to direction of the warrant see Act I & II of 1800 & I (re Criminal Acts 1834—66 Fd 188 p 70) as applied to Bombay by Act III of 1858 s 3 (ib p 134)

ACT No. III OF 1858¹.[23rd January 1858]An Act to amend the Law relating to the arrest
and detention of State Prisoners

WHEREAS doubts have been entertained whether State prisoners confined under Regulation II, 1819, of the Madras Code, or Regulation XXV, 1827, of the Bombay Code, can be lawfully detained in any fortress, jail or other place within the local limits of the jurisdiction of the Supreme Courts of Judicature at Madras and Bombay, respectively, and it is expedient that such doubts be removed, and that the powers of the said Regulations and of Regulation III, 1818, of the Bengal Code be extended, It is enacted as follows —

1 [Repeal of part of section 1, clause first of Bombay Regulation XXI of 1827] Rep by the Repealing Act 1870 (XIV of 1870)

2 The provisions of Regulation III, 1818, of the Bengal Code, Regulation II, 1819, of the Madras Code, and Regulation XXV, 1827, of the Bombay Code as altered by section 1 of this Act, relating to the arrest and confinement of persons as State prisoners, shall be in force within the local limits of the jurisdiction of the Supreme Courts of Judicature at Calcutta Madras and Bombay respectively

Preamble

Regulations as to arrest and confinement of State Prisoners in force within Presidency towns.

¹Short title The State Prisoners Act 1858 See the Indian Short Titles Act, 1897 (XIV of 1897)

code

This Act has been declared to be in force in the whole of British India except as regards the Scheduled Districts by s 3 of the Laws Local Extent Act 1874 (XV of 1874) printed General Acts Vol. II.

It has been declared in force in the Santhal Parganas by the Santhal Parganas Settlement Regulation (III of 1872) s 3 as amended by the Santhal Parganas Laws Regulation 1886 (III of 1886) printed Bengal Code Vol. I Ed. 1889

respectively

ss. 2 and 5 have been declared in force in the Arakan Hill District by the Arakan Hill District Laws Regulation 1874 (IX of 1874) s. 3 printed, Burma Code Ed. 1889 p 353

Powers of
Governors of
Madras and
Bombay as to
custody of
State prison
ers

3 All powers for the better custody of State prisoners which by virtue of Act XXXIV of 1850¹ are vested in the Governor General in Council, shall be possessed and may be exercised by the Governor in Council of Fort St George and the Governor in Council of Bombay, respectively, for the better custody of State prisoners arrested within their respective presidencies

4 [Arrests, &c., made before the passing of this Act legalized]
Rep by the Repealing and Amending Act, 1891 (XII of 1891)

Removal of
State prison
ers from one
place of con-
finement to
another

5 The Governor General in Council may order the removal of any State prisoner, confined under the provisions of any of the said Regulations as amended and extended by this Act, from any fortress jail or place in which he may be confined within either of the said presidencies, to any other fortress, jail or place of confinement within the territories * * * under the Government of
* * India * * 1

The Act has been declared by notification under s 3 (c) of the Scheduled Districts Act, 1874 (XIV of 1874), printed, General Acts, Vol II to be in force in the following Scheduled Districts, namely —

Sind	See Gazette of India, 1880 Pt I, p 672
Aden	Do 1879 Pt I, p 434
West Jhalpaigurs and the Western Drars	See Gazette of India 1881, Pt I, p 74
The Districts of Házaribagh, Lohardaga and Mámbhum, and Pargana Dhalbhum and the Kolhan in the District of Singbhum	Do 1881, Pt I, p 504
The Scheduled portion of the Mirzápur District	Do 1879, Pt I, p 323
Jaunsar Bawar	Do 1879, Pt I p 382
The Districts of Hazári, Pesha war, Kohát, Bannu Dera Ismail Khan and Dera Ghazi Khan	Do 1886, Pt I, p 48
The District of Lakhul	Do 1886 Pt I, p 301
The Scheduled Districts of the Central Provinces	Do 1879 Pt I, p 771
The District of Sylhet	Do 1879 Pt I, p 631
The Districts of Kámarup, Dar rang, Nowgong, Sibságar, Lakhimpur, Garo Hills Khasi and Jaintia Hills, Cachar and Goalpara	Do 1887, Pt I, p 78
The Mohokchang sub division of the Naga Hills District	Do 1891, Pt I, p 222

It has been extended, by notification under s 5 of the last mentioned Act to the following Scheduled Districts namely —

Kumáon and Garhwal	See Gazette of India 1877 Pt I, p 100
The North Western Provinces Tarai	Do 1876, Pt I p 500

¹ See *supra*, p 73

² The words 'in the possession and 'the East and the North Company' were repealed by the Repealing and Amending Act, 1891 (XII of 1891)

ACT No. XXIV OF 1855.¹

[13th August, 1855]

An Act to substitute penal servitude for the punishment of Transportation in respect of European and American Convicts* * *

¹Short title "The Penal Servitude Act, 1855" See the Indian Short Titles Act, 1897 (XIV of 1897)

This Act has been declared to be in force in the whole of British India, except as regards the Scheduled Districts, by the Laws Local Extent Act, 1874 (XV of 1874), s 3, printed, General Acts, Vol II

It has been declared in force in—

British Baluchistan, by the British Baluchistan Laws Regulation, 1890 (I of 1890) s 3, printed, Baluchistan Code, Ed 1892, p 69.

the Santhal Parganas, by the Santhal Parganas Settlement Regulation (III of 1872), s 3, as amended by the Santhal Parganas Laws Regulation, 1886 (III of 1886), printed, Bengal Code, Ed 1889, Vol 1, p 597.

Upper Burma generally (except the Shan States), by the Upper Burma Laws Act, 1886 (XX of 1886), s 6, printed, Burma Code, Ed 1889, p 363

It has been declared, by notification under s 3 (a) of the Scheduled Districts Act, 1874 (XIV of 1874), printed, General Acts, Vol II, to be in force in the following Scheduled Districts, namely —

Sind	See Gazette of India, 1880, Pt 1, p 672
Aden	Do. 1879, Pt 1, p 431
West Jalpaiguri and the Western Dyars	Do 1881, Pt 1, p 74
The Districts of Hazárbagh, Lohardaga and Mánbhum, and Pargana Dhalbhum and the Kolhan in the District of Singhbhum	Do 1881, Pt 1 p 501
The Scheduled portion of the Mirzápur District	Do 1879, Pt. 1, p 383
Jaunsar Báwar	Do 1879, Pt 1, p 382
The Districts of Hazára, Pesháwar, Kohát, Bannu, Dera Ismaul Khán and Dera Gházi Khán	Do 1886 Pt. 1, p 48
The Scheduled Districts of the Central Provinces	Do 1879, Pt. 1, p 771
The District of Sylhet	Do 1879, Pt. I, p 631
The rest of Assam (except the North Lushái Hills)	Do 1897, Pt. 1, p 299.
The Porahat Estate in the Singbhumi District	Do. 1897 Pt. I, p 1059

It has been declared, by notification under s. 3 (b) of the last mentioned Act not to be in force in the Scheduled District of Lahaul. See Gazette of India, 1880, Pt 1, p 301

*The words "and to amend the law relating to the removal of such convicts" were repealed by the Repealing and Amending Act, 1891 (XII of 1891)

WHEREAS, by reason of the difficulty of providing a place to which Europeans or Americans can, with safety to their health, be sent for the purpose of undergoing sentences of transportation or of imprisonment for long terms, it has become expedient to substitute other punishment for that of transportation * * *¹, It is enacted as follows —

No European or American to be sentenced to transportation

1² No European or American shall be liable to be sentenced, or ordered, by any Court within the territories * *² under the Government of *² India *², to be transported

Terms of penal servitude instead of the present terms of transportation

2 Any person who, but for the passing of this Act, would, by any law now in force, or which may hereafter be in force, in any part of the said territories, be liable to be sentenced or ordered, by any such Court, to be transported shall if a European or American, be liable to be sentenced or ordered to be kept in penal servitude for such term as hereinafter mentioned

The terms of penal servitude to be awarded by any sentence or order instead of the term of transportation to which any such offender would, but for the passing of this Act, be liable shall be as follows (that is to say) —

Instead of transportation for seven years, or for a term not exceeding seven years, penal servitude for the term of four years

Instead of any term of transportation exceeding seven years and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years

Instead of any term of transportation exceeding ten years and not exceeding fifteen years penal servitude for any term not less than six and not exceeding eight years

Instead of any term of transportation exceeding fifteen years penal servitude for any term not less than six and not exceeding ten years

Instead of transportation for the term of life penal servitude for the term of life

And in every case where, at the direction of the Court, one of any two or more of the terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned, in relation to such terms of transportation

¹The first six formal words the words the East and Company and the words in the possession and in section 1 were repealed respectively by the Repealing Act 1874 (XVI of 1874) and by the Repealing Act 1876 (XII of 1876)

3 Provided always that nothing herein contained shall interfere with or affect the authority or discretion of any Court in respect of any punishment which such Court may now award or pass on any offender other than transportation, but, where such other punishment may be awarded at the discretion of the Court instead of transportation or in addition thereto, the same may be awarded instead of, or (as the case may be) in addition to the punishment substituted for transportation by this Act

Discretion of Courts as to alternative punishments

4 If any offender sentenced by any Court within the said territories to the punishment of death shall have mercy extended to him, upon condition of his being kept in penal servitude for life, or for any term of years, all the provisions of this Act shall be applicable to such offender in the same manner as if he had been lawfully sentenced under this Act to the term of penal servitude specified in the condition

Effect of pardon granted upon condition of penal servitude.

5 [Power to substitute penal servitude for transportation] Rep by the Prisoners Act, 1871 (V of 1871)

6 [Mode of dealing with person under sentence of penal servitude] Rep by the Prisoners Act, 1871 (V of 1871)

7 [Application of enactments respecting transportation and imprisonment with hard labour] Rep by the Prisoners Act 1871 (V of 1871)

8 [Removal of convicts under sentence of imprisonment from one prison to another] Rep by the Presidency Jails Act, 1867 (XII of 1867)

9, 10, 11 & 12 [Licenses to convicts under sentence of penal servitude to be at large] Rep by the Prisoners Act, 1871 (V of 1871)

13 Nothing in this Act is intended to alter or affect the provisions of the 12 and 13 Victoria Chapter 43¹ or any Act of Parliament passed in the United Kingdom of Great Britain and Ireland since the 28th of August, 1833 or which may hereafter be passed

Act not to affect the provisions of certain English Statutes.

14 Any sentence or order upon any person describing him as a European or American shall be deemed for the purposes of this Act, to be conclusive of the fact that such person is a European or American within the meaning of this Act

Sentence when proof that a person is a European or an American.

15 The word European as used in this Act shall be understood to include any person usually designated a European British subject² Words in the singular number or the masculine gender shall be understood to include several persons as well as one person and females as well as males, unless there be something in the context repugnant to such construction

Interpretation clause

16 [Commencement of Act] Rep by the Repealing Act 1870 (XIV of 1870)

1¹ 22 & 23 Victoria Chapter 43
1² See definition of European British subject in s. 1 & 2 (i) of the Code of Criminal Procedure 1898 (Act V of 1898)

¹ See definition of European British subject in s. 1 & 2 (i) of the Code of Criminal Procedure 1898 (Act V of 1898)

THE INDIAN LUNACY ACT, 1912

(IV OF 1912).

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ACT No. IV OF 1912

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

*(Received the assent of the Governor General on the
16th March 1912)*

An Act to consolidate and amend the law relating to Lunacy

WHEREAS it is expedient to consolidate and amend the law relating to lunacy, It is hereby enacted as follows ---

PART I

PRELIMINARY

CHAPTER I

1. (1) This Act may be called the Indian Lunacy Act, 1912 Short title

(2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas, and the Pargana of Spiti and extent

2. Nothing contained in Part II shall be deemed to affect the Savings
powers of any High Court which is or hereafter may be estab-
lished under the Indian High Courts Acts, 1861 to 1911, over any
person found to be a lunatic by inquisition or over the property of
such lunatic, or the rights of any person appointed by such Court as
guardian of the person or manager of the estate of such lunatic

24 & 2,
Vict. 100,
to 1 &
2 Geo
5, c 18

3. In this Act, unless there is anything repugnant in the Definitions.
subject or context,—

(1) "asylum" means an asylum for lunatics established or licensed by Government

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum

(3) "District Court" means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency towns

(4) "criminal lunatic" means any person for whose confinement in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, or of section 30 of the Prisoners Act, 1900

4 of
1898,
III of
1900

(5) "lunatic" means an idiot or person of unsound mind

(6) "Magistrate" means a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by the Local Government to perform the functions of a Magistrate under this Act

(7) 'medical officer' means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of the Local Government to be a medical officer for the purposes of this Act

(8) "medical practitioner" means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners and includes any person declared by general or special order of the Local Government to be a medical practitioner for the purposes of this Act

(9) "prescribed" means prescribed by this Act or by rule made thereunder

(10) "reception order" means an order made under the provisions of this Act for the reception into an asylum of a lunatic other than a lunatic so found by inquisition

(11) 'relative' includes any person related by blood marriage or adoption and

(12) rule means a rule made under this Act

PART II •

RECEPTION CARE AND TREATMENT OF LUNATICS

CHAPTER II.

RECEPTION OF LUNATICS •

Reception of
persons in
asylum

4. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by sections 8, 16 and 98

Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment

(2) A boarder received in an asylum under the proviso to sub

n

Reception orders on petition

Application
for reception
order

5. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court, and if such application has been made, a certified copy of the order made thereon shall be attached to the petition

(4) No application for a reception order shall be entertained in any area outside the Presidency towns unless the Local Government has, by notification in the local official Gazette, declared such area as an area in which reception orders may be made

6. (1) The petition shall be presented if possible by --

(a) the husband or wife of the alleged lunatic, or

(b) by any other relative of his

Application
by whom
to be pre-
sented

(2) If the petition is not so presented it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject and has within fourteen days before the presentation of the petition personally seen the said lunatic

(4) The petition shall be signed and verified by the petitioner and the statement of prescribed particulars by the person making such statement.

7. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates

Procedure
upon petition
for reception
order

(2) If he considers that there are grounds for proceeding further he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do

(3) If he is satisfied that a reception order may properly be made forthwith he may make the same accordingly

(4) If he is not so satisfied he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit

8. Upon the presentation of the petition the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry

Detention of
alleged
lunatic pend-
ing inquiry

9. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his

Consideration
of pet. in

(2) The Magistrate may, from time to time, for the same purpose by order in writing authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate

Commis-
sioner of
Police etc
to act in the
Pres dency
towns

17. All acts which the Magistrate is authorized or required to do by sections 14, 15 or 16 may be done in the Presidency towns or Rangoon by the Commissioner of Police and all duties which an officer in charge of a police station is authorized or required to perform, may be performed in any of the Presidency towns by an officer of the police force not below the rank of an inspector

Further provisions as to reception orders and medical certificates

Medical cer-
tificates

18. (1) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be and shall be in the form prescribed

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic distinguishing facts observed by himself from facts communicated by others, and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others

(3) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts as if the matters therein appearing had been verified on oath

Time and
manner of
medical ex-
amination of
lunatic

19. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate or, where two certificates are required each person who signs a certificate has personally examined the alleged lunatic in the case of an order upon petition not more than seven clear days before the date of the presentation of the petition and in all other cases not more than seven clear days before the date of the order

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other

Authority for
reception

20 A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorized by him or in the case of an order not made upon petition for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein or in any asylum to which he may be removed in accordance with the provisions of this Act and the order may be acted on

without further evidence of the signature or of the jurisdiction of the person making the order

21. Any authority making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted

Copy of reception order to be sent to person in charge of asylum

22. Subject to the provisions of section 85, no Magistrate shall make a reception order for the admission of any lunatic into any asylum established by Government outside the province in which the Magistrate exercises jurisdiction

Restriction as to asylums into which reception orders may direct admission

Detention of lunatics pending removal to asylum

23. When any reception order has been made under sections 7, 10, 14, or 15, the Magistrate may, for reasons to be recorded in writing direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit

Detention of lunatics pending removal to asylum

Reception and detention of criminal lunatics

24. An order under section 166 or section 171 of the Code of Criminal Procedure 1898, or under section 30 of the Prisoners Act 1900, directing the reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred

Reception and detention of criminal lunatics

Reception after inquisition

25. A lunatic so found by inquisition may be admitted into an asylum—

Reception after inquisition

(1) in the case of an inquisition under Chapter IV, on an order made by or under the authority of the High Court

(2) in the case of an inquisition under Chapter V on an order made by the District Court

26. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of section 25 the High Court or the District Court, as the case may be shall on the application of the person in charge of the asylum make an order for the payment of the cost of maintenance of the lunatic in the asylum and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him

Order for payment of costs of maintenance of lunatic

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost the Court shall certify the same

instead of making such order for the payment of the cost as aforesaid

(2) An order under sub section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned

Amendment of order or certificate

Amendment
of order or
certificate

27. If, after the reception of any lunatic into any asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum one of whom shall be a medical officer

CHAPTER III

CARE AND TREATMENT

Visitors

Appointment
of visitors

28. (1) The Local Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer

(2) The Inspector General of Prisons (where such office exists) shall be a visitor *ex officio* of all the asylums within the limits of his jurisdiction

Monthly
inspection by
visitors

29. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month, together inspect every part of the asylum of which they are visitors and see and examine, as far as circumstances will permit, every lunatic and boarder therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof

Inspection of
criminal
lunatics by
Inspector
General or
visitors

30. (1) When any person is confined under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898,^{1 of 1898} by the Inspector General of Prisons, if such person is confined in a jail or the visitors of the asylum or any two of them if he is confined in an asylum, may visit him in order to ascertain his state of mind, and he shall be visited once at least in every six months by such Inspector General or by two of such visitors as aforesaid, and such Inspector General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined

(2) The Local Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector General under sub section (1)

Discharge of lunatics

31. (1) Three of the visitors of any asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in such asylum and such person shall thereupon be discharged

Order of discharge from asylum by visitors

II of 900.

Provided that no order under this sub section shall be made in the case of a person detained under a reception order under section 12, or, in the case of a criminal lunatic, otherwise than as provided by section 30 of the Prisoners Act, 1900

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority

32. (1) A lunatic detained in an asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum

Discharge of lunatics in other cases and of European military lunatics

Provided that no lunatic shall be discharged under the provisions of sub-section (1) if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large

(2) A person detained in an asylum under a reception order made under section 12 shall be detained therein until he is discharged therefrom in accordance with the military regulations in force for the time being, or until the officer making the order applies for his transfer to the military authorities in view to his removal to England

(3) Whenever it appears to the officer in charge of an asylum that the discharge of a person therein detained under an order made under section 12 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made the General or other Officer Commanding the division district, brigade or force or other officer authorized to order the admission of such persons into an asylum shall forthwith direct him to be discharged and such discharge shall take place in accordance with the military regulations in force for the time being

33. When any relative or friend of a lunatic detained in any asylum under the provisions of sections 14, 15 or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that

Order of discharge on undertaking of relative for due care of the lunatic

such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on inquisition not to be of unsound mind

34. If any lunatic detained in an asylum on a reception order made under sections 7, 10, 14, 15 or 17 is subsequently found on an inquisition under Chapter IV or Chapter V not to be of unsound mind and incapable of managing himself and his affairs the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Removal of lunatics

Removal of lunatics and criminal lunatics

35. (1) Any lunatic may be removed from any asylum established by Government to any other asylum within the province in accordance with any general or special order of the Local Government, and to any other asylum in any part of British India in accordance with any general or special order of the Governor General in Council.

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be removed in accordance with the provisions of this sub-section until notice of such intended removal has been given to the petitioner.

(2) The Governor General in Council may make such general or special order as he thinks fit directing the removal of any person for whose confinement an order has been made under section 160 or section 171 of the Code of Criminal Procedure, 1898, from the place where he is for the time being confined, to any asylum, jail or other place of safe custody in British India.

Escape and recapture

Order to justify detention and recapture after escape

36. Every person received into an asylum under any such order as is required by this Act, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police-officer or by the person in charge of such asylum or any officer or servant belonging thereto or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in such asylum.

Provided that in the case of a lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section 12, the power to re-take such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape.

PART III

JUDICIAL INQUISITION AS TO LUNACY

CHAPTER IV

PROCEEDINGS IN LUNACY IN PRESIDENCY TOWNS

Inquisition

37. The Courts having jurisdiction under this Chapter shall be the High Courts of Judicature at Fort William Madras and Bombay

Jurisdiction in lunacy in Presidency towns

38. (1) The Court may upon application by order direct an inquisition whether a person subject to the jurisdiction of the Court who is alleged to be lunatic, is of unsound mind and incapable of managing himself and his affairs

Court may order inquisition as to persons alleged to be insane

(2) Such order may also contain directions for inquiries concerning the nature of the property belonging to the alleged lunatic the persons who are his relatives the time during which he has been of unsound mind or such other matters as to the Court may seem proper

39 Application for such inquisition may be made by any relative of the alleged lunatic or by the Advocate-General

Application by whom to be made

40 (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition

Notice of time and place of inquisition

(2) If it appears that personal service on the alleged lunatic would be ineffectual the Court may direct such substituted service of the notice as it thinks fit

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given

41. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic

How and at what Court in respect of alleged lunatic and examination of lunatic

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall if the alleged lunatic be a woman who according to the manners and customs of the country ought not to be compelled to appear in public be regulated by the law and practice for the examination of such persons in other civil cases

How and at what Court in respect of alleged lunatic and examination of lunatic

Power to direct District Court to make an inquisition in certain cases

43. (1) If the alleged lunatic is not within the local limits of the jurisdiction of the Court, and the inquisition cannot conveniently be made in the manner hereinbefore provided, the Court may direct the inquisition to be made before the District Court within whose local jurisdiction the alleged lunatic may be, and such District Court shall accordingly proceed to make such inquisition in the same manner as if the alleged lunatic were subject to its jurisdiction, and shall certify its finding upon the matters of inquisition to the Court directing the inquisition

(2) The record of evidence taken upon the inquisition shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the inquisition was directed

Amendment of finding of District Court if defective or insufficient in form

44. If the finding of the District Court appears to the Court directing the inquisition to be defective or insufficient in point of form, it may either amend the same or refer it back to the Court which made the inquisition to be amended

Proceedings on finding of Court

45. The finding of the Court on the inquisition or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be, shall have the same effect, and he proceeded on in the same manner in regard to the appointment of a guardian of the person and a manager of the estate of the lunatic as the findings referred to in section 12 of the Lunacy (Supreme Courts) Act, 1858, immediately before the commencement of this Act

Judicial powers over person and estate of lunatic

Custody of lunatics and management of their estates

46. (1) The Court may make orders for the custody of lunatics as found by inquisition and the management of their estates

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provision for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic

Powers of manager in respect of management of lunatic's estate.

47. The Court, on the appointment of a manager of the estate of a lunatic, may direct by the order of appointment, or by any subsequent order, that such manager shall have such powers for the management of the estate as to the Court may seem necessary and proper, reference being had to the nature of the property, whether moveable or immoveable, of which the estate may consist

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge or transfer by sale gift exchange or otherwise, any immovable property of the lunatic, or

(b) lease any such property for a term exceeding five years

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose

48. The Court may, on application made to it by petition concerning any matter whatsoever connected with the lunatic or his estate, make such order, subject to the provisions of this Chapter, respecting the application, as in the circumstances it thinks fit

Power to make order concerning any matter connected with the lunacy

Management and administration

49. The Court may, if it appears to be just, or for the lunatic's benefit, order that any property, moveable or immovable, of the lunatic, and whether in possession, reversion, remainder, or contingency, be sold, charged mortgaged, dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with or without interest money to be applied or which has been applied to all or any of the following purposes, namely—

Power to dispose of lunatic's property for certain purposes

(1) the payment of the lunatic's debts or engagements,

(2) the discharge of any incumbrance on his property

(3) the payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit,

(4) the payment of or provision for the expenses of his future maintenance and the maintenance of such members of his family as are dependent on him for maintenance including the expenses of his removal to Europe if he shall be so removed, and all expenses incidental thereto

(5) the payment of the costs of any inquiry under this Chapter, and of any costs incurred by order or under the authority of the Court

50. (1) The manager of the lunatic's estate shall, in the name and on behalf of the lunatic, execute all such conveyances and instruments of transfer relative to any sale, mortgage or other disposition of his estate as the Court may order

Execution of conveyances and powers by manager under order of Court

(2) Such manager shall, in like manner, under the order of the Court, exercise all powers whatsoever vested in a lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian

51. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes lunatic, the Court may, if the contract is such as the Court thinks ought to be performed, direct the manager of the estate to execute such conveyances and to do such other acts in fulfilment of the contract as it shall think proper

Court may order performance of contract

Dissolution and disposal of property of partnership on a member becoming lunatic

52. (1) Where a person being a member of a partnership firm, is found to be a lunatic, the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same dissolve the partnership

(2) Upon such dissolution, or upon a dissolution by decree of Court or otherwise by due course of law, the manager of the estate may, in the name and on behalf of the lunatic, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the Court shall think proper

Disposal of business premises

53. Where a lunatic has been engaged in business, the Court may, if it appears to be for the lunatic's benefit that the business premises should be disposed of, order the manager of the estate to sell and dispose of the same, and the moneys arising from such sale shall be applied in such manner as the Court may direct

Manager may dispose of lease

54. Where a lunatic is entitled to a lease or under lease, and it appears to be for the benefit of his estate that it should be disposed of, the manager of the estate may, by order of the Court, surrender, assign or otherwise dispose of the same to such person for such valuable or nominal consideration, and upon such terms, as the Court thinks fit

Assumption of charge by Court of Wards of land belonging to a lunatic in certain cases.

55. If a lunatic is possessed of any unmoveable property situate beyond the local limits of the jurisdiction of the Court which by the law in force in the Province wherein such property is situated, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the said Court of Wards may assume the charge of such property and manage the same according to the law for the time being in force for such management

Provided that—

(1) in such case, no further proceedings in respect of the lunacy shall be taken under any such law, nor shall it be competent to the Court of Wards or to any Collector to appoint a guardian of the person of the said lunatic or a manager of the estate except of the unmoveable property which so subjects the proprietor as aforesaid

(2) the surplus of the income of such property, after providing for the payment of the Government revenue and expenses of management, shall be disposed of from time to time in such manner as the High Court may direct

(3) nothing contained in this section shall affect the powers given to the High Court by sections 49, 50 and 51 or (except so far as relates to the management of the said unmoveable property which so subjects the proprietor as aforesaid) the powers given by any other section

Power to sell property for lunatic

56. (1) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should

be made available for his or their maintenance in a direct and inexpensive manner it may instead of appointing a manager of the estate order that the property if money or if of any other description the produce thereof when realized be paid to such person as the Court may think fit to be applied for the purpose aforesaid maintenance without appointing manager in certain cases

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person

Testing orders

57. Where any stock or Government securities or any share in a company (transferable within British India or the dividends of which are payable there) is or are standing in the name of or vested in a lunatic beneficially entitled thereto or in a manager of the estate of a lunatic or in a trustee for him and the manager dies intestate or himself becomes lunatic or is out of the jurisdiction of the Court or it is uncertain whether the manager is living or dead or he neglects or refuses to transfer the stock securities or shares or to receive and pay over thereof the dividends to a new manager or as the Court directs within fourteen days after being required by the Court to do so then the Court may order some fit person to make such transfer or to transfer the same and to receive and pay over the dividends in such manner as the Court directs Power to order transfer of stock belonging to lunatic in certain cases

58. Where any such stock or Government securities or share in a company is or are standing in the name of or vested in any person residing out of British India and not in any part of the United Kingdom the Court upon being satisfied that such person has been declared lunatic and that his personal estate has been vested in a person appointed for the management thereof according to the law of the place where he is residing may order some fit person to make such transfer of the stock securities or shares or of any part thereof to or into the name of the person so appointed or otherwise and also to receive and pay over the dividends and proceeds as the Court thinks fit Power to order transfer of stock of lunatic residing out of British India and the United Kingdom

General

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance the Court may in like manner as under section 56 direct his property or a sufficient part of it to be applied for the purpose aforesaid Power to apply property of lunatic to maintenance in case of temporary lunacy

60. (1) When any person has been found under this Chapter to be of unsound mind and it is subsequently shown to the Court that there is reason to believe that such unsoundness of mind has ceased the Court may make an order for inquiring whether such Power to inquire if person in lunacy to cease or to be set at liberty

finds that
the unsound
ness of
mind has
ceased

person is still of unsound mind and incapable of managing himself and his affairs

(2) The inquiry shall be conducted as far as may be in the manner prescribed in this Chapter for or of

of lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit

Power of
Court to
make rules

61. The Court may, from time to time, make rules for the purpose of carrying into effect the provisions of this Chapter in matters of lunacy

CHAPTER V

PROCEEDINGS IN LUNACY OUTSIDE PRINCIPAL TOWNS

Inquisition

Power of
District
Court to
institute in
quisition as
to persons
alleged to be
lunatic

62. Whenever any person not subject to the jurisdiction of any of the Courts mentioned in section 37 is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs

Application
by whom to
be made

63. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by any public Curator appointed under the Succession (Property Protection) Act, 1841 (hereinafter referred to as the Curator), or by the Government Pleader, as defined in the Code of Civil Procedure, 1908, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Collector of the district in which it is situate

(2) If the property or any part thereof is of such a description that it would by the law in force in any Province where such property is situate subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards

Regulation of
proceedings
of District
Courts

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate

Inquisition
by District
Court and
finding
thereon.

65 (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition

(2) Upon the completion of the inquisition the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others

66 (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made the said Court may issue a commission to any subordinate Court to make the inquisition and such subordinate Court shall thereupon conduct the inquisition in the manner hereinafter provided in this Chapter

Inquisition by subordinate Court on commission issued by District Court and proceedings thereon

(2) On the completion of the inquisition the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors if assessors have been appointed and its own opinion on the case and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 63 sub-section (2)

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application

Judicial powers over person and estate of lunatic

67 (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates

Custody of lunatics and management of their estates

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance but it shall not be necessary to make any order as to the custody of the person of the lunatic

68 If the estate of a lunatic so found or any part thereof consists of property which by the law for the time being in force subjects the proprietor if disqualified to the jurisdiction of the Court of Wards the Court of Wards shall be authorised to take charge of the same

Court of Wards to be authorised in certain cases to take charge of estate of lunatic

69 (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land but is not of such a nature that it would subject the proprietor if disqualified to the jurisdiction of the Court of Wards the District Court may direct the Collector to take charge of the person and estate of the lunatic

Power to direct Collector to take charge of person and estate of lunatic in certain cases

Provided that no such order shall be made without the consent of the Collector previously obtained

(2) The Collector shall thereupon appoint a manager of the estate and may appoint a guardian of the person of the lunatic

70 All proceedings of the Collector in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of the Local Government or of such authority as it may appoint in this behalf

Control of proceedings of Collector

- (c) to regulate the confinement, care, treatment and discharge of criminal lunatics,
- (d) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another,
- (e) to regulate the transfer of criminal lunatics to asylums,
- (f) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government,
- (g) to prescribe the asylums established by Government within the province to which lunatics from any area or any class of lunatics shall be sent,
- (h) to prescribe conditions subject to which asylums may be licensed
- (i) save as otherwise provided in this Act, generally to carry into effect the provisions of the Act

(2) In making any rule under this section, the Local Governments may direct that a breach of it shall be punishable with fine which may extend to fifty rupees

Publication of rules

92 All rules made under section 91 shall be published in the local official Gazette and shall thereupon have effect as if enacted in this Act

CHAPTER IX

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic

93. Any person who—

- (a) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum or
- (b) for gain detains two or more lunatics in any place not being an asylum,

shall be punishable with imprisonment which may extend to two years or with fine or with both

Provision as to bonds.

94. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be apply to bonds taken under this Act ¹⁸⁹⁸

Pension of lunatic payable by Government

95. (1) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic and may pay the surplus if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance

(2) The Secretary of State for India in Council shall be discharged of all liability in respect of any amounts paid in accordance with this section

96. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient

97. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act

98. Any officer in charge of an asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of British India in the exercise of jurisdiction conferred by His Majesty or the Governor General in Council

99. The Governor General in Council may make rules regulating the procedure for the reception and detention in asylums in British India of lunatics whose reception and detention are provided for by section 98

100. (1) In the case of orders made before the commencement of this Act under section 7 of the Indian Lunatic Asylums Act, 1858, for the reception of persons into an asylum the persons who signed the order shall have all the powers and be subject to the obligations by this Act conferred or imposed upon the petitioner for a reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order under section 7 of the Indian Lunatic Asylums Act, 1858 before the commencement of this Act as if the order had been made after the commencement of this Act upon a petition presented by him

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Act and by or to the authority empowered thereby in such behalf

101. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof

SCHEDULE I

Forms.

(See section 96.)

FORM 1

Application for Reception Order

(See sections 5 and 6.)

In the matter of A B [1] residing at _____ by occupation
, son of _____, a person alleged to be a lunatic

[1] Full name, caste and titles

To _____ Presidency Magistrate, for
 _____ [or District Magistrate of
 _____, or Sub divisional Magistrate of
 _____ or Magistrate specially empowered under Act IV
 1912 for _____] of

The petition of C D [1], residing at _____, by occupation
 _____, son of _____, in the town of
 [or sub division of _____ in the district of _____]

1 I am _____ [2] years of age

2 I desire to obtain an order for the reception of A B as a
 lunatic in the _____ asylum of
 situate at [3]

3 I last saw the said A B at _____ on the
 [4] day of _____

4 I am the _____ [5] of the said A B

[or if the petitioner is not a relative of the patient state as follows]

I am not a relative of the said A B The reasons why this
 petition is not presented by a relative are as follows [State
 them]

The circumstances under which this petition is presented by me
 are as follows [State them]

5 The persons signing the medical certificates which accom-
 pany the petition are [6]

6 A statement of particulars relating to the said A B accom-
 panies this petition

7 [If that is the fact] An application for an inquiry into the
 mental capacity of the said A B was made to the
 _____ on the _____

and a certified copy of the order made on the said petition is annex-
 ed hereto [Or if that is the fact]

No application for an inquiry into the mental capacity of the
 said A B has been made previous to this application

The petitioner therefore prays that a reception order may be
 made in accordance with the foregoing statement

(Sd) C D

[1] Full name, caste and titles

[2] Enter the number of completed years The petitioner must be at least
 eighteen or twenty one whichever is the age of majority under the law to which
 the petitioner is subject

[3] Insert full description of the name and locality of the asylum or the name
 address and description of the person in charge of the asylum

[4] A day within 14 days before the date of the presentation of the petition
 is requisite

[5] Here state the relationship with the patient

Cost 3/6

10

1

The statements contained or referred to in paragraphs
are true to my knowledge, the other statements are true to my
information and belief

$$\{S_i\} \in C \cap D$$

Ditel

Statement of particulars

[If any of the particulars in this statement is not known the fact to be so stated]

The following is a statement of particulars relating to the said

Name of patient at length

Sex and age

Married single or widowed

Previous occupation

Caste and religious belief as far as known

Residence at or immediately previous to the date hereof

Names of any near relatives to the patient who are alive

Whether this is first attack of lunacy

Age (if known) on first attack

When and where previously under care and treatment as a lunatic.

Duration of existing attack

Supposed cause

Whether the patient is subject to epilepsy

Whether suicidal

Whether the patient is known to be suffering from phthisis or any form of tubercular disease

Whether dangerous to others and in what way

Whether any near relative (stating the relationship) has been afflicted with insanity.

Whether the patient is addicted to alcohol or the use of opium
ganja charas bhang cocaine or other intoxicant

[The statements contained or referred to in paras _____ are true to my knowledge. The other statements are true to my information and belief.]

[Signature by person making the statement]

FORM 2

Reception Order on Petition

(See sections 7 10)

I the undersigned E F being a Presidency Magistrate of
[or the District Magistrate of or the Sub
divisional Magistrate of or a Magistrate of the first class

especially empowered by Government to perform the functions of a Magistrate under Act IV of 1912] upon the petition of C D of [1] in the matter of A B, [1] a lunatic, accompanied by the medical certificates of G H, a medical officer, and of J K, a medical practitioner [or medical officer], under the said Act, hereto annexed, hereby authorise you to receive the said A B into your asylum And I declare that I have [or have not] personally seen the said A B before making this order

(Sd) E F

(Designation as above)

To [2]

FORM 3

Medical Certificate

(See sections 18, 19)

In the matter of A B of [3] in the town of [or
the sub division of in the district of]
an alleged lunatic

I, the undersigned C D do hereby certify as follows —

1 I am a gazetted medical officer [or a medical practitioner declared by Government to be medical officer under Act IV of 1912] and I am in the actual practice of the medical profession

2 On the day of 19 at [4] in the town of [or the sub division of in the district of]
[separately from any other practitioner] [5] I personally examined the said A B and came to the conclusion that the said A B is a lunatic and a proper person to be taken charge of and detained under care and treatment

3 I formed this conclusion on the following grounds viz —

(a) Facts indicating insanity observed by myself, viz —

(b) Other facts (if any) indicating insanity communicated to me by others, viz — [Here state the information and from whom]

(Sd) C D

(Designation as above)

[1] Address and description.

[2] To be addressed to the officer or person in charge of the asylum

[3] Insert residence of patient.

[4] Insert qualification to practise medicine and surgery registrable in the United Kingdom

[5] Insert place of examination.

[6] Omit this where only one certificate is required

FORM 1

Reception Order in case of Lunatic Soldier

(See section 12)

Whereas it appears to me that A B, a European subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations should be removed to an asylum, I do hereby authorise you to receive the said A B into your asylum

(Sd) E F

(Administrative Medical Officer)

To [1]

FORM 5

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated (sent to an asylum established by Government)

(See sections 14, 15, 17)

I, C D, President Magistrate of [or Commissioner of Police for] [or the District Magistrate of or the Sub divisional Magistrate of or a Magistrate specially empowered by Government under Act IV of 1912] having caused A B to be examined by E F a Medical Officer under the Indian Lunacy Act, 1912 and being satisfied that A B [describing him] is a lunatic who was wandering at large [or is a person dangerous by reason of lunacy] [or is a lunatic not under proper care and control or is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment hereby direct you to receive the said A B into your asylum

(Sd) C D

(Designation as above)

Dated the

To the officer in charge of the asylum at

FORM 6

Same when sent to a licensed asylum

I, C D, [as above down to 'care and treatment'] and being satisfied with the engagement entered into in writing by G H of [here insert address and description] who has desired that the said A B may be sent to the asylum at [here insert description of asylum and name of the person in charge] to pay

[1] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act

(2) The two medical certificates referred to in section 5 of the Indian Lunacy Act

(3) The original application for reception order, and statement of particulars (Schedule I Form 1)

(4) If the case has been investigated or sent up by the police the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic

(5) A certificate in the form* appended hereto of fitness for travelling

B

Documents to be forwarded by the Court in the case of a lunatic found wandering at large a dangerous lunatic or a lunatic not under proper care and control or who is cruelly treated or neglected (Lunacy Act sections 13 to 17) —

(1) The reception order (Schedule I Form 5 of the Lunacy Act)

(2) A certificate from a medical officer (Schedule I Form 3)

(3) The revised form of medical history sheet† as prescribed in Government Resolution No 3837 of 3rd July 1911

(4) If the case has been investigated or sent up by the police the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic

(5) A certificate in the form* appended hereto of fitness for travelling

C

Documents to be forwarded by the Court in the case of a criminal lunatic sent to an asylum either under the orders of Government under section 466 of the Criminal Procedure Code or under the orders of the Court under section 171 of the same Code read with section 21 of the Lunacy Act 1912

(1) A copy of the judgment

(2) The revised form of medical history sheet† as prescribed in Government Resolution No 3837 of 3rd July 1911

(3) If the case has been investigated or sent up by the police the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic

(4) A certificate in the form* appended hereto of fitness for travelling

* Printed as Appendix B1 this Resolution.

† Printed as Appendix A1 this Resolution.

D.

Documents to be forwarded by the Military authorities in the case of a lunatic soldier sent by a medical officer under section 12 of the Lunacy Act —

- (1) The reception order (Schedule I, Form 4) '
 - (2) The revised form of medical history sheet† as prescribed in Government Resolution No 3837, dated the 3rd July 1911. The information therein prescribed to be supplied by the police should be obtained so far as possible from the Military authorities
 - (3) If the case has been investigated or sent up by the police, the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic.
 - (4) A certificate, in the form* appended hereto, of fitness for travelling
 - (5) Any other documents prescribed by Military regulations

E

Documents to be forwarded by the Superintendent of the Jail in the case of a prisoner becoming insane while in jail, and being transferred from a jail to an asylum under section 30 (1) of the Prisoners Act, III of 1900—

- (1) The nominal roll
- (2) A copy of the warrant
- (3) The medical officer's certificate in the appended form**
- (4) The revised form of medical history sheet † as prescribed in Government Resolution No 3837, dated the 3rd July 1911

N B — A copy of the judgment should also be supplied by the Superintendent of the Jail if called for at any time by the Superintendent of the Asylum

2 Nothing in the above orders should be read as applying to the Courts in Sind, as separate rules for this purpose have been issued by the Judicial Commissioner of Sind, with the previous sanction of the Commissioner in Sind †

3 Orders on the proposal that all registered practitioners should be declared as medical practitioners for the purposes of the Indian Lunacy Act, 1912 will be issued separately

*Government Resolution General Department, No 245, dated
11th January 1915*

ORDER —

The Governor in Council is pleased to direct that all medical men who are registered under Bombay Medical Act, III of 1912, should be treated as medical practitioners for the purposes of the Indian Lunacy Act, IV of 1912

Accompaniments to Government Resolution, Judicial Department, No. 8851, dated the 3rd December 1914.

APPENDIX A

Revised form of medical history sheet of lunatics as prescribed in Government Resolution, Judicial Department, No 3837, dated the 3rd July 1911.

N.B.—The ultimate responsibility for the preparation of this form rests with the committing officer, who must see that the requisite information is supplied by the Police and the Medical Officer without undue delay

Questions to be answered upon information supplied by the Police alone

- 1 Name of patient in full and caste or race
- 2 Name of patient's father
- 3 Married or single or widowed
- 4 Condition of life and previous occupation (if any)
- 5 Religion
- 6 Place of birth and recent place of abode *
- 7 Whether homeless or living with relatives †
- 8 Whether any member of patient's family has been or is affected with insanity
- 9 Whether the attack is the first attack of insanity or not
- 10 Age (if known) at onset of first attack

Questions to be answered upon information to be supplied by the Police and the Medical Officer

- 1 Previous history and habits ‡
- 2 Duration and nature of any previous attacks

* Here the name of village police station and district and length of residence should be stated.

Are there any relatives or persons who are able and in the asylum

† In this, the mode of life the patient led history of any particular illness or condition of mind, his temperament or any

tion under which the lunatic was
other particulars which may be

3. Supposed cause of insanity.*
4. Supposed exciting cause of present attack.†
5. Duration of existing attack.
6. Whether suicidal
7. Whether dangerous to others

Questions to be answered by the Medical Officer alone.

1. Sex and age of patient.
2. Marks whereby the patient may be identified.
3. State of bodily health ‡
4. Symptoms exhibited.
5. Whether subject to epilepsy or any other disease

APPENDIX B.

*Certificate of fitness for transfer and condition of health in
the case of lunatics sent to asylums*

Station_____

Date_____

Certified that Criminal lunatic _____ (Name) _____
Civil
is in sufficiently good health, and in a fit state, to travel from
(Name of the station) to the _____ Lunatic
Asylum at_____.

(Signed)

Medical Officer.

Medical Practitioner.

N.B.—The certificate may be signed by any registered medical practitioner or medical officer

* e.g., whether he is addicted to any spirits or drugs and, if so, for how long he has been so addicted and what is the quantity habitually taken, whether he is a member of any particular religious or political society.

† e.g., whether the lunatic suffered from loss of property, loss of relatives, domestic trouble, or ill health immediately before the attack.

‡ In this the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is or is not suffering from any tubercular disease.

APPENDIX C.

Form of certificate of insanity of a prisoner to be submitted to Government for action to be taken under section 30 (1) of the Prisoners Act, 1900.

I, the undersigned,*—
 hereby certify that I, on the—day of —
 at —personally examined; —
 —, and that the said—
 —is †—
 —and a proper person
 to be taken charge of, and detained under care and treatment, and
 that I have formed this opinion on the following grounds, namely :—

1 Facts indicating insanity observed by myself §

2. Other facts (if any) indicating insanity communicated to me by others ¶

* Here enter name and off

† Here enter name and post

‡ Here state whether the prisoner is of sound mind.

§ Here state the facts.

¶ Here state the information.

ACT No. IV 1909.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the
22nd March 1909.)

An Act to consolidate and amend the law relating to the
punishment of whipping.

WHEREAS it is expedient to consolidate and amend the law
relating to the punishment of whipping; It is hereby enacted
as follows:—

1. (1) This Act may be called the Whipping Act, 1909; and

Short title
and extent.

(2) It extends to the whole of British India, inclusive of British
Baluchistan and the Santhal Parganas.

2. In addition to the punishments described in section 53 of the
Indian Penal Code, offenders are also liable to the punishment of
whipping.

Whipping
added to
punishments
described
in Act XLV
of 1860

3. Whoever commits any of the following offences, namely:—

Offences
punishable
with
whipping in
lieu of other
punishment.

(a) theft, as defined in section 378 of the Indian Penal Code
other than theft by a clerk or servant of property in
possession of his master;

(b) theft in a building, tent or vessel, as defined in section 380 of
the said Code,

(c) theft after preparation for causing death or hurt, as defined
in section 382 of the said Code,

(d) lurking house-trespass or house-breaking, as defined in
sections 443 and 445 of the said Code, in order to the
committing of any offence punishable with whipping under
this section,

(e) lurking house-trespass by night, or house-breaking by night,
as defined in sections 441 and 446 of the said Code, in
order to the committing of any offence punishable with
whipping under this section

may be punished with whipping in lieu of any punishment to
which he may for such offence be liable under the said Code

4. Whoever—

Offences
punishable
with whip-
ping in lieu
of other
punishment

(a) abets, commits or attempts to commit, rape, as defined in
section 375 of the Indian Penal Code,

(f) compels, or induces any person by fear of bodily injury, to
submit to an unnatural offence as defined in section 377 of
the said Code,

(c) voluntarily causes hurt in committing or attempting to commit
robbery, as defined in section 391 of the said Code;

(d) commits dacoity as defined in section 391 of the said Code, may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code

Juvenile
offenders
when punish-
able with
whipping

5. Any juvenile offender who abets commits or attempts to commit,

(a) any offence punishable under the Indian Penal Code, except offences specified in Chapter VI and in sections 153A and 505 of that Code and offences punishable with death or

(b) any offence punishable under any other law with imprisonment which the Governor General in Council may, by notification in the Gazette of India specify in this behalf may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable

Explanation—In this section the expression juvenile offender means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under sixteen years of age the finding of the Court in all cases being final and conclusive

Special pro-
vision as to
punishment
with whip-
ping in
frontier
districts

6. Whenever any Local Government has by notification in the official Gazette declared the provisions of this section to be in force in any frontier district or any wild tract of country within the jurisdiction of such Local Government, any person who in such district or tract of country after such notification as aforesaid commits any offence punishable under the Indian Penal Code with imprisonment for three years or upwards may be punished with whipping in lieu of any other punishment to which he may be liable under the said Code

Amendment
of section
392 Act V
1898

7. To section 392, sub section (2) of the Code of Criminal Procedure, 1898 the words, "and in the case of a person under sixteen years of age it shall not exceed fifteen stripes" shall be added

Repeals

8. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof

THE SCHEDULE

(See section 8)

ENACTMENTS REPEALED

1	2	3	4
Year	No	Subject or short title	Extent of repeal
<i>Acts of the Governor General in Council</i>			
1864	VI	The Whipping Act 1864	So much as is unrepealed
1895	III	The Indian Criminal Law Amendment Act, 1895	Section 5
1898	V	The Code of Criminal Procedure, 1898.	The words "whipping (if specially empowered)" in sub-section (1) and sub section (3) of section 32 The words and figures "(1) Power to pass sentences of whipping, section 32" under the heading "Powers with which a Magistrate of the second class may be invested" in Schedule I
1898	XIII	The Burma Laws Act, 1898	Section 4, sub section (3) clause (b) and the second Schedule
1900	V	The Whipping Act, 1900	The whole Act

BOMBAY GOVERNMENT NOTIFICATION No. 400, DATED
19TH JANUARY 1915

Specification of the offences for the abetment or commission of, or attempt to commit which, juvenile offenders may be punished with whipping

No 23 C, dated the 4th January 1915

From—The Deputy Secretary to the Government of India,
Home Department (Judicial),

To—The Secretary to the Government of Bombay, Judicial
Department

In continuation of the Home Department letter No 1300, dated the 3rd August 1914, I am directed to forward, for the information of the Governor in Council, a copy of the Home Department Notification No 21 C, dated the 4th January 1915, which has been issued in supersession of the revised Home Department Notification No 938 C, dated the 10th February 1914, specifying the offences for the abetment or commission of, or attempt to commit which, juvenile offenders may be punished with whipping

No 21 C

GOVERNMENT OF INDIA
HOME DEPARTMENT

JUDICIAL

Dated Delhi, the 4th January 1915

NOTIFICATION

In exercise of the powers conferred by section 5, clause (b), of the Whipping Act, 1909 (IV of 1909), and in supersession of the revised Home Department Notification No 938 C, dated the 10th February 1914, on the subject, the Governor General in Council is pleased to specify the offences under the laws mentioned in the schedule hereto annexed, being offences punishable under the said laws with imprisonment, as offences for the abetment or commission of, or attempt to commit which, juvenile offenders may be punished with whipping in accordance with the provisions of the said section

SCHEDULE

General Acts

- 1 The Police Act, 1861 (V of 1861), section 31
- 2 The Public Gambling Act 1867 (III of 1867), sections 1, 13 and 15

- 3 The Cattle Trespass Act, 1871 (I of 1871), section 21
- 4 The Northern India Canal and Drainage Act, 1873 (VIII of 1873), section 70, clauses (1) and (2)
- 5 The Opium Act, 1878 (I of 1878), section 9
- 6 The Indian Forest Act, 1878 (VII of 1878), sections 25, 32 and 62, and rules made under section 41 for the infringement of which imprisonment is prescribed as a penalty
- 7 The Indian Arms Act, 1878 (XI of 1878), sections 19, 20, 22 and 23
- 8 The Indian Salt Act, 1882 (XII of 1882), sections 9 and 10
- 9 The Indian Telegraph Act, 1885 (XIII of 1885), sections 21 and 25
- 10 The Indian Railways Act, 1890 (IX of 1890), sections 126, 127, 128 and 129
- 11 The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), sections 3, 4 and 5
- 12 The Prisons Act, 1891 (IX of 1891) section 12
- 13 The Excise Act 1896 (XII of 1896) sections 45, 46, 48, 49 and 51
- 14 The Indian Fisheries Act, 1897 (IV of 1897), sections 1 and 5,
- 15 The Reformatory Schools Act 1897 (VIII of 1897), sections 27 and 28
- 16 The Indian Post Office Act 1898 (VI of 1898), sections 61, 62 and 68
- 17 The Ancient Monuments Preservation Act, 1901 (VII of 1901) section 16
- 18 The Indian Electricity Act 1910 (IX of 1910), sections 1 and 2
- 19 The Criminal Tribes Act, 1911 (III of 1911) sections 1 and 2
- 20 The Cantonment Code 1912 sections 1 and 2

LOCAL ACTS

Madras

- 1 The Madras District Panchayat Act, 1888 (XVI of 1888) section 17
- 2 The Madras District Panchayat Act, 1888 (XVI of 1888) sections 17 and 18
- 3 The Madras District Panchayat Act, 1888 (XVI of 1888) section 17
- 4 The Madras District Panchayat Act, 1888 (XVI of 1888) section 17

- 5 The Madras Towns Nuisances Act, 1889 (III of 1889), sections 3, 5 and 7.
- 6 The Madras Salt Act, 1889 (IV of 1889), section 74

Bombay

- 1 The Bombay A'bkari Act, 1878 (V of 1878), sections 13 and 48
- 2 The Bombay Prevention of Gambling Act 1887 (IV of 1887), sections 5 and 12
- 3 The Bombay District Police Act, 1890 (IV of 1890), sections 62, 70 and 71
- 4 The City of Bombay Police Act, 1902 (Bombay Act IV of 1902), section 122

Bengal

- 1 The Bengal Embankment Act, 1855 (XXXII of 1855), sections 16 and 17
- 2 The Howrah Offences Act, 1857 (XXI of 1857), section XX
- 3 The Calcutta Police Act, 1866 (Bengal Act IV of 1866), section 68
- 4 The Calcutta Suburban Police Act, 1866 (Bengal Act II of 1866), section 41
- 5 The Bengal Public Gambling Act, 1867 (II of 1867), sections 4, 11 and 13
- 6 The Bengal Irrigation Act, 1876 (III of 1876), section 93
- 7 The Bengal Embankment Act, 1882 (II of 1882), section 77
- 8 The Bengal Excise Act, 1909 (V of 1909), sections 46 and 52

United Provinces

- 1 The United Provinces Excise Act, 1910 (IV of 1910), sections 60, clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), and section 63

Punjab

- 1 The Punjab Land Preservation (Chos) Act, 1900 (II of 1900), section 19
- 2 The Punjab Excise Act, 1914 (Punjab Act I of 1914), section 61, sub section (1), clauses (a) and (c), and sub section (2), clauses (a), (b) and (c)

Burma

- 1 The Burma Gambling Act, 1899 (I of 1899), sections 10, 11, 12 and 13
- 2 The Rangoon Police Act, 1899 (Burma Act IV of 1899), sections 30, 31 and 12
- 3 The Burma Forest Act, 1902 (IV of 1902), section 55, clause (b)

THE REFORMATORY SCHOOLS ACT, 1897.

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ACT No. VIII OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

*(Received the assent of the Governor General on the
11th March, 1897)*

An Act to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders

WHEREAS it is expedient to amend the law relating to Reformatory Schools and to make further provision for dealing with youthful offenders, It is hereby enacted as follows —

I—Preliminary

1 (1) This Act may be called the Reformatory Schools Act, 1897, and

(2) It shall come into force at once

(3) This section and section 2 shall extend to the whole of British India. The other sections shall extend in the first instance to the whole of British India except the territories for the time being administered by the Lieutenant Governor of the Punjab and the Chief Commissioner of Coorg, but either of the said Local Governments may at any time, by notification in the local official Gazette, extend these sections to their territories from such day as may be fixed in any such notification

2 (1) The Reformatory Schools Act, 1876 (V of 1876), is hereby repealed Repeal of Act
V of 1876

(2) But all proceedings taken, orders passed, officers appointed or authorised and rules made under the said Act shall, as far as may be, be deemed to have been respectively passed, appointed or authorised and made under this Act

(3) Any enactment or document referring to the said Act, shall, as far as may be, be construed to refer to this Act, or to the corresponding portion thereof

3 From the date fixed by any notification issued under section 1, sub section (3), section 399 of the Code of Criminal Procedure 1882 (X of 1882), shall be repealed in the province to which the notification relates Section 399
of Act X of
1882 repealed
on date fixed
by a notifi-
cation under
section 1 sub
section (3)

4 In this Act, unless there is anything repugnant in the subject or context,— Definitions

(a) “youthful offender” means any boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of fifteen years

(b) ‘Inspector General’ includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector General and

(c) “District Magistrate” shall include a Chief Presidency Magistrate

II —Reformatory Schools

5 With the previous sanction of the Governor General in Council, the Local Government may— Power to
establish and
discontinue
Reformatory
Schools

(a) establish and maintain Reformatory Schools at such places as it may think fit

(b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may prescribe in this behalf,

(c) direct that any schools so established or used shall cease to exist as a Reformatory School or to be used as such

6 Every school so established or used must provide— Regulations of
Schools

(a) sufficient means of separating the inmates at night

(b) proper sanitary arrangements water supply, food clothing and bedding for the youthful offenders detained therein.

(c) the means of giving such youthful offenders industrial training,

(d) an infirmary or proper place for the reception of such youthful offenders when sick.

Inspection of
Reformatory
Schools

7 (1) Every school intended to be established or used as a Reformatory School shall, before being used as such, be inspected by the Inspector General, and if he finds that the requirements of section 6 have been complied with, and that, in his opinion, such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, together with an order of the Local Government establishing the school as a Reformatory School or directing that it shall be used as such, and the school shall thereupon be deemed to be a Reformatory school.

(2) Every such school shall, from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may prescribe.

Power of
Courts to
direct youthful
offenders
to be sent to
Reformatory
Schools

8 (1) Whenever any youthful offender is sentenced to transportation or imprisonment, and is, in the judgment of the Court by which he is sentenced, a proper person to be an inmate of a Reformatory School the Court may, subject to any rules made by the Local Government, direct that, instead of undergoing his sentence, he shall be sent to such a school, and be there detained for a period which shall be not less than three or more than seven years.

(2) The powers so conferred on the Court by this section shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, and (d) any Magistrate specially empowered by the Local Government in this behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.

(3) The Local Government may make rules for—

(a) defining what youthful offenders should be sent to Reformatory Schools having regard to the nature of their offences or other considerations, and

(b) regulating the periods for which youthful offenders may be sent to such schools according to their ages or other considerations.

Procedure
where Magis-
trate is not
empowered
to pass an
order under
section 8

9 (1) When any Magistrate not empowered to pass an order under the last foregoing section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may, without passing sentence, record such opinion and submit his proceedings and forward the youthful offender to the District Magistrate to whom he is subordinate.

(2) The Magistrate to whom the proceedings are so submitted may make such further inquiry (if any) as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender, or otherwise, as he might have passed if such youthful offender had been originally tried by him

10 The officer in charge of a prison in which a youthful offender is confined in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of fifteen years, before the District Magistrate within whose jurisdiction such prison is situate, and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School direct that instead of undergoing the residue of his sentence, he shall be sent to a Reformatory School, and there detained for a period which shall be subject to the same limitations as are prescribed by or under section 8, with reference to the period of detention thereby authorised

Power of Magistrates to direct boys under fifteen sentenced to imprisonment to be sent to Reformatory Schools

11 (1) Before directing any youthful offender to be sent to a Reformatory School under section 8, section 9 or section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon, stating his age as nearly as may be

Preliminary enquiry and finding as to age of youthful offender

(2) A similar inquiry shall be made and findings recorded by every Magistrate not empowered to pass an order under section 8 before submitting his proceedings and forwarding the youthful offender to the District Magistrate as required by section 9 sub section (1)

12 Every youthful offender directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may by general or special order, appoint for the reception of youthful offenders so dealt with by such Court or Magistrate

Government to determine Reformatory School to which such offenders shall be sent

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the Local Government may direct—

(a) until he can be sent to a Reformatory School or

(b) until the term of his original sentence expires

whichever event may first happen Should the term of his original sentence first expire, he shall thereupon be released, but, should he be sent to a Reformatory School, then the period of detention previously undergone shall be treated as detention in a Reformatory School

13 (1) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been understated in the order for detention, and that he will attain the age of eighteen years before the expira-

Persons found to be over eighteen years not to be detained in Reformatory Schools

tion of the period for which he has been ordered to be detained, they shall report the case for the orders of the Local Government

(2) No person shall be detained in a Reformatory School after he has been found by the Local Government to have attained the age of eighteen years

Discharge or removal by order of Government

14 The Local Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School,

(b) to be removed from one Reformatory School to another such school situate within the territories subject to such Government provided that the whole period of his detention in a Reformatory School shall not be increased by such removal

Power to Governor General in Council to direct use of Reformatories in one province for reception of youthful offenders from another Certain or less not subject to appeal or revision

15 (1) The Governor General in Council may by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offenders directed to be sent to any Reformatory School by any Court or Magistrate in any other province

(2) Any such order may also provide for the removal of the youthful offender, and the cost of his maintenance, and may give any such further directions as may be necessary

Certain or less not subject to appeal or revision

16 Nothing contained in the Code of Criminal Procedure, 1882 (X of 1882) shall be construed to authorize any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for detention in a Reformatory School for transportation or imprisonment

III—Management of Reformatory Schools

Appointment of Superintendent and Committee of Visitors or Board of Management

17 (1) For the control and management of every Reformatory School the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors or (b) a Board of Management

(2) Every Committee and every Board so appointed must consist of not less than five persons of whom two at least shall be Natives of India

(3) The Local Government may suspend or remove any Superintendent or any member of a Committee or Board so appointed

Superintendent may license youthful offenders to employers of labour

18 (1) Every Superintendent so appointed may, with the sanction of the Committee by license under his hand permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years to live under the charge of any trust worthy and respectable person named in the license or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him on the condition that the employer shall keep such youthful offender employed at some trade, occupation or calling

(2) The license shall be in force for three months and no longer, but may, at any time and from time to time until the expiration of the period for which the youthful offender has been directed to be detained, be renewed for three months at a time.

19. The license shall be cancelled at the desire of the employer named in the license.

Cancellation of license

20. If during the term of the license the employer named therein dies or ceases from business or to employ labour, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

Determination of license

21. If it appears to the Superintendent that the employer has ill-treated the youthful offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

Cancellation of license in case of ill-treatment.

22. (1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school, within the meaning of Act No. XIX of 1850 (concerning the binding of apprentices).

Superintendent to be deemed guardian of youthful offenders. Power to apprentice youthful offender

(2) If it appears to the Superintendent that any youthful offender licensed under section 18 has behaved well during one or more periods of his license, the Superintendent may, with the sanction of the provisions of the said Act, to detain such youthful offender and the unexpired term (if any) of his sentence shall be cancelled.

23. (1) Every Committee of Visitors appointed under section 17 for a Reformatory School shall at least once in every month,—

Duties of Committee of Visitors.

(a) visit the school, to hear complaints and see that the requirements of section 6 have been complied with, and that the management of the school is proper in all respects,

(b) examine the punishment book,

(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

(2) If any member of a Committee of Visitors so appointed fails or neglects, during a period of six consecutive months, to visit the school and assist in the discharge of the duties aforesaid, he shall cease to be a member of such Committee.

24. If, in exercise of the power conferred by section 17, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections 18 to 22 both inclusive, and the license mentioned in section 18 may be under the hand of their chairman, and they shall be deemed to be the guardians of the youthful offenders detained in such school.

Powers of Board of Management.

Power to
appoint
trustees or
other Man-
agers of a
school to be
a Board of
Management

25 The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section 5, clause (b), to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management

Power of
Board to
make rules.

26 (1) With the previous sanction of the Local Government, every Board of management of a Reformatory School may from time to time make rules consistent with this Act—

(i) to prescribe the articles which are to be deemed to be "prohibited articles", and

(ii) to regulate—

(a) the conduct of business of the Board,

(b) the management of the school,

(c) the education and industrial training of youthful offenders,

(d) visits to and communication with youthful offenders,

(e) the terms and conditions under which any articles declared by the Board to be 'prohibited articles' may be introduced into or removed out of the school,

(f) the manner in which such articles are to be removed when introduced without due authority

(g) the conditions and limitations under which such articles may be supplied outside the school to any youthful offender under order of detention therein,

(h) the conditions on which the possession by any such youthful offender of such articles may be sanctioned,

(i) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority,

(j) the punishment of offences committed by youthful offenders and

(k) the granting of licences for the employment of youthful offenders

(2) In the absence of a board of Management the Local Government may make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in any clause of sub-section (1) other than clause (ii) (a), and also the mode in which the Committee of Visitors shall conduct their business

IV—Offences in relation to Reformatory Schools

Penalty for
introducing
or removing
or attempting
to introduce
or remove
prohibited
articles and
supplying
prohibited
articles

27 Whoever, contrary to any rule made under section 26 introduces or removes or attempts by any means whatever to introduce or remove into or from any Reformatory School or supplies or attempts to supply outside the limits of any Reformatory School to any youthful offender under order of detention therein, any prohibited article,

No 2108

JUDICIAL DEPARTMENT

Bombay Castle, 23rd March 1900

RESOLUTION.—The Governor in Council is pleased to direct that the Yeravda Reformatory School should be transferred from the control of the Inspector General of Prisons to that of the Director of Public Instruction with effect from the 1st April 1900. In making this change in the administrative control of the Institution in accordance with the orders of the Government of India, this Government consider it undesirable at present to further consider in the Judicial Department any other definite changes in the scheme of management nor indeed does the report of the Inspector General of Prisons and the Director of Public Instruction admit of the immediate issue of any well matured orders for reform. For the present, therefore, the control of the Reformatory should be transferred to the Educational Department under the existing rules and that Department will no doubt make such changes as will enable the Director of Public Instruction to take the place now occupied by the Inspector General of Prisons, and bring the rules into harmony with the most recent Act regarding Reformatory Schools. The Educational Department should be asked to notify the rules amended as they deem fit and to issue any further orders to the Director of Public Instruction which may be necessary.

(5) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him

Procedure
when youth-
ful offender
under deten-
tion in a
Reformatory
School is
again convict-
ed and
sentenced.

32 When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court, the sentence of such Court shall commence at once, notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure, 1882, but the Court shall forthwith report the matter to the Local Government, which shall have power to deal with the matter in any way in which it thinks fit

No 2103

JUDICIAL DEPARTMENT

Bomhay Castle, 23rd March 1900

RESOLUTION.—The Governor in Council is pleased to direct that the Yeravda Reformatory School should be transferred from the control of the Inspector General of Prisons to that of the Director of Public Instruction with effect from the 1st April 1900. In making this change in the administrative control of the Institution in accordance with the orders of the Government of India, this Government consider it undesirable at present to further consider in the Judicial Department any other definite changes in the scheme of management nor indeed does the report of the Inspector General of Prisons and the Director of Public Instruction admit of the immediate issue of any well matured orders for reform. For the present, therefore, the control of the Reformatory should be transferred to the Educational Department under the existing rules and that Department will no doubt make such changes as will enable the Director of Public Instruction to take the place now occupied by the Inspector General of Prisons, and bring the rules into harmony with the most recent Act regarding Reformatory Schools. The Educational Department should be asked to notify the rules amended as they deem fit and to issue any further orders to the Director of Public Instruction which may be necessary.

Reformatories —

Yeravda Reformatory School

Transfer of the — from the control of
the Inspector General of Prisons to
that of the Director of Public In-
struction

Rules regarding the —

Educational Department
No 566

Bombay Castle,
17th April 1900

Resolution * of Government in the Judicial Department, No 2108,
dated the 23rd March 1900

Directing that the Yeravda Reformatory School should be trans-
ferred from the control of the Inspector General of Prisons to that
of the Director of Public Instruction with effect from the 1st April
1900

RESOLUTION. — In consequence of the transfer, directed in Gov-
ernment Resolution, Judicial Department, No 2108, dated the 23rd
March 1900, of the Yeravda Reformatory School from the control
of the Inspector General of Prisons to that of the Director of Public
Instruction, His Excellency the Governor in Council is pleased to
direct, under section 4 (b) of Act VIII of 1897, that the Director of
Public Instruction shall perform all duties, as regards the reforma-
tory school in question, imposed by that Act on the Inspector-
General. The present rules made under section 21 of the Reforma-
tory Schools Act, 1876, should, subject to certain formal modifica-
tions, remain in force pending further orders. To give effect to the
modifications which appear to be necessary, the following notifica-
tion should be published in the Government Gazette

In supersession of the rules published in Government Notification,
Judicial Department, No 2999,
No 1977, dated 6th April 1891, dated the 5th June 1889, as
" 5406, " 14th October 1891, modified by Government Notifi-
" 1638, " 2nd March 1894, cations in that Department speci-
" 7368, " 6th November 1894, fied in the margin, the Governor
" 3671 " 4th June 1895, in Council is pleased, in exercise
of the power conferred by sub section (2) of section 26 of the
Reformatory Schools Act, 1897, to issue the following rules —

Control and Management

1 For the control and management of the school, Government
will appoint a Superintendent and a Committee of Visitors. A
Hospital Assistant will also be attached to the school

The Superintendent and the School staff

2 In all matters, in respect of which the Superintendent is not
invested with sole authority, he shall be subordinate to the
Director of Public Instruction and shall obey the orders of that
officer

3 He shall live in quarters provided for him and shall devote himself solely to the management of the school and shall not engage in any other business or pursuit

4 He shall furnish such security as the Director of Public Instruction shall from time to time consider necessary

5 The clerk the teachers and the chief warder of the school will be appointed by the Director of Public Instruction Every other subordinate officer in the school will be appointed by the Superintendent

6 Each trade instructor of the school shall be required to give at least thirty days notice of his intention to resign his situation and as a security for his doing so shall be required to deposit in the hands of the Superintendent either the amount of one month's pay or a bond for the amount of one month's pay signed by a surety as well as by the trade instructor In the event of any trade instructor throwing up his employment without having given notice as above the amount of the bond in the one case or the cash deposit in the hands of the Superintendent in the other shall be forfeited to Government

7 It shall be the duty of the Superintendent to see that every member of the staff is possessed of tact patience and good temper Officers of any rank including also trade instructors and school masters found wanting in these qualities shall have their services at once dispensed with for in dealing with boys more specially with lads of the class detained in a Reformatory school such qualifications are absolutely indispensable Every case therefore of violence by a school officer towards a scholar shall be immediately reported to the Superintendent who shall take such action there upon as he shall be authorized to take under these rules and as he shall think expedient

8 The Director of Public Instruction may suspend or dismiss any subordinate official of the school for dishonesty inefficiency or misconduct disqualifying him for office

9 The Superintendent may suspend or remove any subordinate officer except the clerk the teachers and the chief warder He may in the case of serious misconduct on the part of any one of the officials above named suspend him and in such case or whenever necessary appoint any person to perform temporarily the duties of the officer reporting his proceedings to the Director of Public Instruction The Director of Public Instruction and the Superintendent before dismissing any officer shall record the charges against him the answers made by him (which if possible shall be in writing) to each charge and the reasons for dismissal

10 All the proceedings of the Superintendent under the last preceding rule shall be subject to the control of the Director of Public Instruction who may act either on his own motion or on the receipt of an appeal from any person who considers himself aggrieved

in the future being, as far as possible, watched and influenced Six months after the date of release, and after every succeeding six months, for a period of three years, a reference shall be made to the Deputy Educational Inspector of the District with a view to ascertain the boy's mode of life. The replies received shall be laid before the Committee of Visitors and a summary of the information received shall be attached to the Superintendent's annual report to the Director of Public Instruction.

If the boy so discharged is a native of a State under the Bombay Government, the Superintendent shall communicate with the Political Agent concerned.

If the boy so discharged belongs to British territory or to a Native State outside the limits of the Bombay Presidency, the Superintendent shall forward the necessary references to the Director of Public Instruction Bombay who shall communicate with the highest Educational authority of the Province or the highest Political Officer of the Agency to which the boy belongs.

31 The Superintendent shall order the discharge of any youthful offender whose sentence has expired and shall at the same time ascertain and cause to be paid to the boy the balance of the gratuities if any to which he has become entitled under Rule 55. He shall order the payment of subsistence allowance to the boy for the journey to his home.

32 At the expiration of six months and after every six months for three years from the date of each youthful offender's release a letter shall be sent to the Magistrate in order that the boy may not be lost sight of, and in order also that the school authorities may be in a position to report upon the result of the training he has received. The replies received from Magistrates shall in every case be laid before the Committee of Visitors, and copies of them will accompany the Superintendent's annual report to the Director of Public Instruction.

33 No stranger shall be admitted within the school premises unless accompanied by a member of the Committee of Visitors, or furnished with a written permission signed by the Superintendent.

34 The Superintendent shall accompany the Director of Public Instruction and all official visitors during their inspection of the school.

Committee of Visitors

35 The Committee of Visitors shall consist of nine persons of whom five shall be *ex officio* members. The four non official Visitors shall be appointed by Government on the recommendation of the Director of Public Instruction.

36 The following shall be *ex officio* members of the Committee —

The Collector of Poona

The Judge of Poona

The Educational Inspector, C D

The Professor of Mechanical Engineering in the Poona College of Science

The Superintendent of the Yeravda Central Jail

Each of the remaining four members of the Committee shall hold office for a period of two years from date of appointment, but shall be re-eligible

37 The Inspector General of Prisons shall be a Visitor of the Yeravda Reformatory

38 Besides the monthly visit of the Committee of Visitors prescribed by section 23 (1) of the Reformatory Schools Act, the school shall be visited and inspected, at least once a fortnight, by some one member of the Committee of Visitors chosen by them for this purpose

39 A Visitors book shall be kept in which official visitors shall record the dates of their visits with any remarks or suggestions they may have to make. The Superintendent shall forward a copy of every such entry to the Director of Public Instruction for the issue of suitable orders. When any remark of an official visitor requires explanation such explanation shall invariably accompany the copy

40 Members of the Committee of Visitors are invited to make any remarks or suggestions that they may have to offer on the Superintendent's annual report of the administration of the school, a copy of which will be sent to each member under Rule 13 for this purpose

Medical Officer

41 The Hospital Assistant attached to the school shall be under the supervision of the Medical Officer of the Yeravda Jail. The Hospital Assistant shall keep such registers and returns as shall be prescribed by the Director of Public Instruction. All medicines required for the school shall be indentured for in the indent for the supply for the Yeravda Jail

Director of Public Instruction

12 The Director of Public Instruction shall at least once a year, inspect all parts of the school and see every juvenile offender confined in it. He shall at this inspection give every boy the opportunity of making any application or complaint to him which he may wish to make. He shall satisfy himself that all accounts and registers are maintained according to the rules at the time in force and that proper arrangements are made for the safe custody of all records. A brief memorandum of the state in which he finds the school and of the manner in which it is administered etc., together with any suggestions he may wish to make and any orders he may have issued to the Superintendent shall on the occasion of each inspection be recorded by the Director of Public Instruction in the Visitors' book

43 After any such visit of inspection, the Director of Public Instruction may, if he thinks fit, make a special report to Government, in the usual official form, on the condition of the school. But in submitting to Government annually as soon after the close of the year as possible, the Superintendent's annual report on the school, with the remarks and suggestions if any, of the members of the Committee of Visitors recorded under Rules 39 and 40 the Director of Public Instruction shall report the condition in which at his visits he has found the school, and submit for the consideration of Government, such remarks and suggestions as he may think appropriate.

Diet

44 The diet issued to all youthful offenders in the school shall be on the following scale —

For Juvenile Natives

	Wheat.	Bajri	Jowari	Dhall Tar	Dhall Gram	Vegetables	Potatoes	Onions	Salt	Condiments	Tamarind	Oil	Fuel
	Ozs	Ozs	Ozs	Ozs	Ozs	Ozs	Ozs	Ozs	Drs	Drs	Drs	Drs	Lbs
Sunday	20			4			6		8	4	12	8	1
Monday		20		4				6	8	4	12	8	1
Tuesday			20	4			6		8	4	12	8	1
Wednesday	20			4		6			8	4	12	8	1
Thursday		20		4			6		8	4	12	8	1
Friday			20	4		6			8	4	12	8	1
Saturday					4	6			8	4	12	8	1

Note —(a) Monitors if appointed (Rule 57) may receive wheat on four days of the week.

(b) In the case of Juveniles above the age of fourteen years the daily ration of flour may be increased under the sanction of the Director of Public Instruction to 22 ounces.

For Juvenile Europeans

	Mutton with out bone	Beef with out bone	Bread	Sugar	Rice	Potatoes	Salt	Pepper	Sugar	Butter	Fuel
	Ozs	Ozs	Ozs	Ozs	Ozs	Ozs	Drs	Drs	Ozs	Ozs	Lbs
Sunday		8	16	3	12	8	8		1	1	1½
Monday	8		16	3	12	8	8		1	1	1½
Tuesday	8		16	3	12	8	8		1	1	1½
Wednesday	8		16	3	12	8	8		1	1	1½
Thursday	8		16	3	12	8	8		1	1	1½
Friday	8		16	3	12	8	8		1	1	1½
Saturday	8		16	3	12	8	8		1	1	1½

45 The following shall be deemed forbidden articles and their possession by the boys shall be punished by the Superintendent —(a) spirits (b) intoxicating drugs including opium ganja and tobacco The introduction of any of these articles by any of the school staff shall render the offender liable to fine or dismissal

Daily Routine

46 The dormitories shall be unlocked at day light, and the boys shall be at once marched off to perform their ablutions and to visit the latrine A slight meal consisting of a small baked cake of wheat flour or porridge ration, shall then be given them to support them until breakfast

47 Up to 7 A M the boys shall be employed in cleaning up the dormitories, when all will be in readiness to commence school

48 The employment of the boys during the various hours of the day, after 7 A M, shall be as follows —

* 7 A M to 8 A M school

8 A M to 10 A M work at the several trades taught

10 A M to 11 A M bath and breakfast,

* 11 A M to 2 P M work

2 P M to 3 P M play,

3 P M to 5 P M work,

5 P M to 6 P M wash and evening meal

6 P M to 7 P M school

Education and Industrial Training

49 The boys should be made as happy as possible in the school which should be viewed by them as a place of education not one of punishment So long as their games are of a harmless nature their movements should during play hours be as unrestricted as possible during work and school hours play should be strictly interdicted

50 In the school reading writing and arithmetic will be taught in the vernaculars There shall also be an advanced class in which the same subjects shall be taught in English

51 The industries taught at the school shall at first be (1) carpentry (2) blacksmiths work (3) painting and varnishing and (4) market gardening Others may be introduced but in each case special sanction shall be previously obtained from the Director of Public Instruction A competent instructor shall be entertained for each trade taught in the school

* On Tuesdays and Fridays in each week in place of the ordinary school from 7 A M to 8 A M the boys shall be given walking exercise beyond the dormitory walls, arrangements to be made for their safeguarding by the warder staff the forenoon school hour being on those days from 11 to 12 o'clock.

- (c) loss of privilege of communication with parents and relatives,
- (d) solitary confinement,
- (e) corporal punishment
- (f) penal diet

No boy shall be kept in solitary confinement for a period exceeding three days. Corporal punishment shall be administered after the manner of school discipline with a light cane, the number of stripes in no case exceeding twelve. Penal diet shall consist of 1 lb. of flour or rice per diem cooked with salt in the form of porridge, and may be given for a period not exceeding two days at a time with intervals of 14 days between such periods.

Visits to, and communications with, youthful offenders

59 The parents and near relations of the boys shall be allowed to visit them once a month and to correspond with them in writing at reasonable periods. Parents or near relations shall in every case receive notice of serious illness and intimation shall be sent them a reasonable time before a boy is released from the school of the date on which he will be released.

Licenses for employment of youthful offenders

60 Before issuing any license under section 18 the Superintendent shall obtain the views of the Committee of Visitors and forward them with his own opinion and full particulars to the Director of Public Instruction whose instructions for granting or withholding a license or for apprenticing or not apprenticing a youthful offender he shall follow.

2 The Director of Public Instruction should be asked to submit the names of the persons whom he recommends for appointment as non official visitors under Rule 35. He should also submit a special report after consulting the persons and bodies concerned, on the proposal that the Yeravda and Sassoon Reformatory Institutions should be linked in such a way as to make the former the prison side and the latter the school side of the same reformatory. He should also refer to Government any other question on which it appears to him that their orders are necessary.

**Accompaniments to Government Resolution, Judicial
Department, No 58, dated the 6th January 1915**

APPENDIX A

In exercise of the powers conferred by section 60 of the Prisons Act IX of 1891 the Governor in Council is pleased to make the following rules for the government of the Juvenile Jail at Dharwar, for the treatment of the prisoners confined therein and for the regulation of other matters affecting the said Jail in the Bombay Presidency proper —

What persons
are to be
confined in
the jail

1 Subject to any order which may be made by the Governor in Council in particular cases every convict sentenced to imprisonment and satisfying all the following five conditions shall be confined in the Dharwar Juvenile Jail —

- (i) He must be a male of not less than 15 and not more than 21 years of age
- (ii) He must not be an European American or Anglo Indian
- (iii) He must not have been committed to prison upon proceedings under section 109 or 110 of the Criminal Procedure Code nor convicted under section 376 or 377 of the Indian Penal Code
- (iv) The period of imprisonment to which he is sentenced must not be less than 12 months
- (v) He must not have been previously convicted of any offence

Previously
convicted
juveniles
when admis-
sible

2* With the previous sanction of the District Magistrate of the district in which the sentence is passed or if it is passed in the City of Bombay of the Chief Presidency Magistrate or under the orders of the High Court or of any Court of Session any convict previously convicted of not more than two trifling offences may be confined in the Juvenile Jail provided that he satisfies conditions (i) to (iv) of the foregoing rule. Full particulars must be supplied to the District Magistrate or Chief Presidency Magistrate in applying for his consent

Special cases
when admis-
sible

3* In exceptional cases where the Court is of opinion that a convict whom the Court intends to sentence to imprisonment but who is not qualified under rules 1 and 2 ought to be confined in the Juvenile Jail the Court may apply to the Governor in Council for sanction to the admission of the prisoner to the said jail giving full particulars. If the Court is a Magisterial Court the application should be made through the District Magistrate

* Note.—The High Court of Judicature at Bombay has been advised with the sanction of the Governor in Council under section 1 of Statute 24 and 25 of Chapter 101 the following rules for the use of Courts of Session in which convicts are to be confined in the Juvenile Jail at Dharwar —

When a convict is to be confined in the Juvenile Jail at Dharwar the warrant of commitment shall be addressed to the Superintendent of the Jail in which the convict will be confined immediately after the pronouncement of sentence and that at least not the least to Jail and not at all be made in the warrant that the sentence shall be carried out in the Dharwar Juvenile Jail

or in the City of Bombay, through the Chief Presidency Magistrate. On the sanction of the Governor in Council being received, the prisoner may be confined in the Juvenile Jail.

4 When a prisoner is about to attain the age of 23 years before the expiry of his sentence, the Committee of Visitors shall consider whether it is desirable that he should be further detained in the Jail, or transferred to another prison, or released, and its recommendations shall be recorded in its proceedings. Procedure when a prisoner attains the age limit.

5 Prisoners shall be divided into two grades—"Ordinary" and "Special." Every prisoner shall, on his admission, be placed in the "Ordinary" grade. Prisoners grades

6 Any prisoner who has completed 6 months of his sentence and whose conduct has been satisfactory, may be promoted by the Superintendent to the "Special" grade. Grade promotion.

7 Any prisoner in the "Special" grade whose sentence amounts to not less than 2 years, and who has completed one-third thereof, exclusive of remissions, and whose conduct is satisfactory, may be promoted by the Superintendent to be a Monitor. The Monitors shall not at any time exceed in number 8 per cent of the convicts in the Jail. Promotion to Monitor

8 Gratuity at the rate of 4 annas per mensem shall ordinarily be awarded to a prisoner in the Special grade and 8 annas per mensem to a Monitor, the amount earned being payable on release. The gratuity is in all cases liable to forfeiture if the industry and conduct of the prisoner are not uniformly satisfactory. Gratuity to prisoners

9 If a prisoner's character and conduct in the Jail is such as to be detrimental to the discipline and morals of the other inmates, his case shall be brought to the notice of the Committee of Visitors, and on their recommendation the Inspector General of Prisons may transfer him to another prison or pass such other order as he considers suitable. Ill conducted prisoners removal of

10 A prisoner admitted to the Juvenile Jail under these rules shall in no case be placed in fetters. Fetters

11 Reading, writing and arithmetic may be taught in the vernaculars. Drawing may also be taught to those employed in carpentry. Special attention shall be given to physical drill. Education

12 The industries taught may include—

Industries

- (i) carpentry,
- (ii) blacksmith's work
- (iii) cloth weaving and
- (iv) gardening

13 The diet of the prisoners shall be the same as that prescribed in the Bombay Jail Manual except that Monitors shall be allowed wheat diet daily, and mutton or milk in lieu thereof, twice a week. Diet

14 Distinctive clothing shall be worn by the ordinary grade, the special grade, and the Monitors, respectively. Distinctive clothing

Letters and
Interviews

15 Subject to good behaviour, a prisoner in the ordinary grade may either write and receive a letter, or have an interview with relatives or friends, once in three months, a prisoner in the special grade once in two months, and a Monitor once a month

Visitors

16 The following officers have been appointed *ex officio* Visitors of the Jail in addition to those specified in rule 33 of the Bombay Jail Manual —

The Director of Public Instruction

The Educational Inspector, Southern Division

The Deputy Educational Inspector, Dhárwar,

The Principal of the Male Training College Dhárwar,

The Superintendent of the Government Farm, Dhárwar

Religious and
moral instruction

17 Government or the Commissioner of the Southern Division may appoint from time to time religious and moral instructors as non official Visitors of the Jail and when so appointed they shall be permitted to converse with prisoners and to give at appointed times lectures or addresses of a religious and moral nature

Proceedings
of Visitors'
meetings

18 The proceedings of the meetings of Visitors shall be forwarded to the Inspector General of Prisons with the Superintendent's remarks. Any recommendation made by the Visitors for the release of a prisoner shall be submitted by the Superintendent of the Jail through the Inspector General of Prisons to the Government of Bombay for orders. Recommendations made by the Visitors for the transfer of prisoners to other prisons shall be submitted to the Inspector General of Prisons for orders, subject to the general control of Government

Application
of contents of
Bombay Jail
Manual

19 The rules and orders contained in the Bombay Jail Manual shall so far as may be consistent with the above rules apply to the Juvenile Jail

APPENDIX B

The Governor in Council is pleased with the sanction of the Governor General in Council to make the following rule under section 59, sub section (5) of the Prisons Act, 1894, for regulating the grant of remission of sentences of convicts confined in the Juvenile Jail at Dhárwar —

“In the Dhárwar Juvenile Jail ordinary remission shall be awarded on the following scale —

- (1) to a convict in the ordinary grade four days per month,
- (2) to a convict in the special grade, six days per month,
- (3) to a Monitor, eight days per month”

ACT No. V OF 1893.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the
9th March 1893)

AN Act to legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory

WHEREAS a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor in Council has in such territory,

AND WHEREAS there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner,

It is hereby enacted as follows —

1 When a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Act—

Execution in British India of certain capital sentences not ordinarily executable there

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India has issued its warrant for the execution of such sentence to the superintendent or keeper of a jail in British India

Execution of certain Capital Sentences [ACT V 1893]

such superintendent or keeper shall, on receipt of such warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, of 1882.

2 The jails of which the superintendents or keepers are to execute sentences under any such warrants shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf, may by general or special order direct.

Jails in which sentences are to be executed.

3 The tribunals mentioned in the proviso to section 19 of the Prisoners Act, 1871, shall be deemed to be British Courts for the purposes of this Act

Certain tribunals to be deemed British Courts under Act V of 1871.

Provided that every warrant issued under this Act by any such Court shall be signed by that one of the presiding Judges thereof who is the "officer of Government" mentioned in such proviso.

Capital Sentences.

Issue of a notification to legislate in certain cases the execution, within British India, of capital sentences which have been passed by Provincial Councils exercising powers with respect to, territory beyond the limits of British India, jurisdiction which the Government General in Council has in such territories.

No. 5196

JUSTICIAL DEPARTMENT

Bombay Castle, 25th July 1875

Recd —

Resolution of Government in the Political Department No. 4223, dated the 31st July 1875 and 1876.

"Government Resolution No. 4223 dated the 31st July 1875 Requesting Political Agents and any others who may have to do with convicts to British India for execution of capital sentences to cause at the Jail to which the warrants for execution are addressed.

Letter from the Political Agent for a No. 1000 dated the 2nd July 1874.

Memorandum from the Chief Secretary to Government dated the 2nd July 1874.

Letter from the Chief Secretary to Government dated the 2nd July 1874.

Letter from the Chief Secretary to Government dated the 2nd July 1874.

Memorandum from the Chief Secretary to Government dated the 2nd August 1874.

Letter from the Chief Secretary to Government dated the 2nd August 1874.

Memorandum from the Chief Secretary to Government dated the 2nd August 1874.

Letter from the Chief Secretary to Government dated the 2nd August 1874.

Memorandum from the Chief Secretary to Government dated the 2nd August 1874.

Letter from the Chief Secretary to Government dated the 2nd August 1874.

Memorandum from the Chief Secretary to Government dated the 2nd August 1874.

Letter from the Collector and Political Agent, Surgána, No 6789, dated the 4th August 1894

Memorandum from the Commissioner, C D, No 189, dated the 10th August 1894

Memorandum from the Judicial Department, No 5181, dated the 7th August 1894—Requesting, with reference to Government Resolution No 4268, dated the 13th July 1894, to be informed of the ultimate outcome of the proposals contained therein

Memorandum from the Collector and Political Agent, Thána, No 7311, dated the 28th September 1894

Letter from the Political Agent, Cutch, No 142, dated the 29th September 1894

Letter from the Collector and Political Agent, Kolíha, No 6061, dated the 29th September 1894

Letter from the Political Agent, Rewa Kántha No 1300--133, dated the 1st October 1894

Memorandum from the Commissioner N D, No 616 dated the 5th October 1894

Letter from the Political Superintendent, Savantvadi, No 2891, dated 2nd October 1894

Letter from the Political Superintendent, Pálanpur, No 2521, dated the 2nd October 1894

Letter from the Political Agent, Káthunár No 938 dated the 2nd October 1894

Letter from the Collector and Political Agent, Kara, No 3772, dated the 5th October 1894

Letter from the Political Agent, Kolhapur and Southern Maráthi Country, No 411, dated the 5th October 1894

Letter from the Collector and Political Agent, Shikárpur, No 6319, dated the 11th October 1894

Letter from the Political Resident, Aden, No 388 dated the 25th October 1894

Letter from the Remembrancer of Legal Affairs, No 185, dated the 9th February 1895—Submitting, as desired in this Department letter No 7133, dated the 15th November 1894, a draft notification in regard to the execution within British India of capital sentences which have been passed by British Courts in Foreign territory

Memorandum from the Judicial Department, No 3868, dated the 11th June 1895—Re transferring, with reference to this Department memorandum No 1379, dated the 27th February 1895, the above papers, together with a copy of the following memorandum from the Inspector General of Prisons, No 1382, dated the 19th March 1895 —

'The Inspector General of Prisons has the honour, in view of the remarks contained in paragraph 5 of this office letter No 933, dated the 19th ultimo, to the address of Government, to respectfully suggest that the "Table"

appended to the formal notification submitted by the Remembrancer of Legal Affairs with his letter No 185, dated the 9th February 1895, may be amended as shown below —

Table

From the Court of the Political Resident, Aden			To the Prison at Aden
Do do Agent, Akalkot			Do Bijapur
Do do do Bhor			To the Central Prison at Yerrowda
Do do do Cutch, as Sessions Judge for the Cantonment of Bhuj			Do Ahmedabad
Do do Agent, Kaira			Do do
Do do do Khairpur			To the Prison at Shikarpur
Do do do Khándesh			Do Dhulia
Do do do Mahi Kántha			To the Central Prison at Ahmedabad
Do do Superintendent, Palanpur			Do do
Do do Agent, Phaltan and Aundh			Do Yerrowda
Do do do Sávanur			To the Prison at Dhárwar
Do do Agent to His Excellency the Governor at Surat			To the Central Prison at Ahmedabad
Do do Political Agent Surgana			To the Prison at Thána

Stating that Government in the Judicial Department concur in the amendments suggested by Mr Filgate in the table appended to the draft notification

RESOLUTION —The draft notification submitted by the Remembrancer of Legal Affairs with his letter No 185 dated the 9th February 1895, is approved and should be published in the *Government Gazette* the table suggested by Mr Filgate in his memorandum No 1782 dated the 19th March 1895, and approved in the Judicial Department being substituted for the table which accompanied Mr Batty's letter quoted above

RESOLUTION —Copy of the Resolution should be forwarded to the Inspector General of Prisons for information and guidance

2 Copy should also be sent to the Inspector General of Police for information

WHEREAS in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to realise in certain cases the execution within India of capital sentences which have been passed by British Courts exercising power with respect to territory beyond the limits of British jurisdiction which the Governor General in Council has in such territory) and in order to

give effect to the provisions of the Notification by the Government of India in the Political Department, No 14311, dated the 27th April 1893, the Governor General in Council has been pleased, by letter No 30801, dated September 2nd, 1893, to authorise the Governor of Bombay in Council to direct to what Jails within the territories subject to the jurisdiction of the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and Notification, and to order the Superintendents of all such Jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Court as aforesaid

Now the Governor in Council is pleased, in pursuance of the said authorisation—

(a) to direct that the Jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the Jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid, and

(b) to order that the Superintendent of every such Jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such Jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882 —

Table

From the Court of the Political Resident, Aden	To the Prison at Aden
Do do Agent, Akalkot	Do Byápur
Do do do Bhór	To the Central Prison at Yerrowda
Do do do Cutch as Sessions Judge for the Cantonment of Bhuj	Do Ahmedabad
Do do Agent, Kara	Do do
Do do do Khairpur	To the Prison at Shikárpur
Do do do Khándesh	Do Dhulá
Do do do Mahá Kántha	To the Central Prison at Ahmedabad
Do do Superintendent, Panápur	Do do
Do do Agent, Phulán and Aundh	Do Yerrowda
Do do Sévanur	To the Prison at Dhárwar
Do do Agent to His Excellency the Governor at Surat	To the Central Prison at Ahmedabad
Do do Political Agent, Surgáná	To the Prison at Thána

**STATEMENT SHOWING THE CRIMINAL JURISDICTION
EXERCISED IN THE NATIVE STATES UNDER THE
KOLHATPUR AND SOUTHERN MARA'THA
COUNTRY AGENCY.**

Resolution No 4220, dated the 3rd July 1895, because, as remarked in Colonel Sulaman's letter No 411, dated the 5th October 1894, it seemed unlikely that any occasion would arise under that Agency where it would be necessary to send convicts to British Jails for the execution of capital sentences, and a formal notification of any such jail was not required. The words "Central Prison, Yeraoda," opposite the Kolhapur Feudatories in column 15 of the statement accompanying Government Resolution No 8969, dated the 17th December 1900, are therefore incorrect and should be expunged. The Political Agent should be informed that the present practice may continue.

3 In view of Government Resolution No 3980, dated the 3rd June 1901, and Government Resolutions Nos 4268, dated the 13th July 1894, and 4220, dated the 3rd July 1895, the suggestions made by the Political Agent in paragraph 4 of his letter are accepted, and the statement appended to Government Resolution No 8969, dated the 17th December 1900, should be amended accordingly.

4 The suggestions made in paragraphs 5, 6, and 7 are approved.

Statement showing the Criminal Jurisdiction exercised in the Native

Agencies	Number and class of States	Criminal jurisdiction exercised by the Chiefs.	Powers of commitment to the Agency Courts	RESIDUARY JURISDICTION OF THE		
				Agency Courts of original jurisdiction	Their powers	Courts of Appeal
1	2	3	4	5	6	7
7 Kolhapur and Southern Maratha Country	One - 1st class (Kolhapur)	Unlimited, except that His Highness the Raja may not try for capital offences without permission from his subjects		-	-	-
	Nine - Unprescribed (Feraoris of the Kolhapur State)	Powers to try cases involving "accidents" imprisonment	Cases beyond the jurisdiction of the Chiefs are committed to the Court of the Political Agent or the Chief Court of His Highness the Maharaja.	Court of the Political Agent	Sessions Court	Government
	Eight 2nd class (Southern and the Agency Jaghirdars)	Unlimited except that the Chiefs try for capital offences their own subjects only				
	One - Unprescribed (the Sittir Jaghirs of Jath)	Power to try all cases excepting those which fall under Chapter VI and VII of section 30, 31, 32 and the final paragraph of section 30 of the Indian Penal Code	Cases falling under the exceptions mentioned in the previous column are committed to the Court of the Political Agent	Court of the Political Agent	Sessions Court in respect of cases falling under exceptions in column 2.	Government
	One - Unprescribed (the Raja Jaghirs of Pimpri Jaghirs under Pimpri)	First Class Magistrate.	(a) Cases beyond jurisdiction of the Chief Court up to the Court of the Political Agent, Southern Maratha Country except	Court of the Assistant Political Agent, Southern Maratha Country	Chief Magistrate Court in respect of cases falling under (a), column 4	Court of the Political Agent
			(b) Cases which fall under Chapter VI and VII of section 30, 31, 32 and the final paragraph of section 30 of the Indian Penal Code which would be committed to the Court of the Political Agent	Court of the Political Agent	Sessions Court in respect of cases falling under (b), column 4	Government

*Criminal Lunatics***Treatment of recovered criminal lunatics confined in asylums**

No 1803 of 1889

JUDICIAL DEPARTMENT

Bombay Castle, 3rd April 1889

Read —

Letter from the Under Secretary to the Government of India, Home Department, Judicial No 15-1610 dated 15th October 1888—Drawing attention to the proceedings of the Government of Bengal published at pages 1699 to 1715 of the supplement to the Calcutta Gazette dated 22nd August 1888, regarding the treatment, &c, of recovered criminal lunatics confined in the asylums of that Presidency, and suggesting that if the question has not already received the attention of this Government, it may be desirable to consider it

Government Resolution No 6106 dated 9th November 1888—Inviting a joint report of the Inspector General of Prisons and the Surgeon General with the Government of Bombay on the desirability of framing rules for this Presidency, similar to those of the Bengal Presidency

Joint letter from the Surgeon General with the Government of Bombay and the Inspector General of Prisons No 7456 dated 20th December 1888—Forwarding a joint report as called for above

Letter from the Inspector General of Prisons No 886, dated 23rd February 1889—Submitting with reference to Government letter No 882 dated 16th February 1889 a rule to take the place of Rule 9 of the Bengal Rules regarding the treatment &c, of recovered criminal lunatics confined in asylums

RESOLUTION—The Government of India has drawn the attention of this Government to certain rules issued by the Government of Bengal regarding the treatment &c of recovered criminal lunatics confined in asylums. These rules were based on and issued as an accompaniment to a valuable report furnished by—

Surgeon Major E A Birch M D Surgeon Superintendent of the Presidency (Calcutta) General Hospital

Surgeon Major A Crumie M D Superintendent of the Dacca Lunatic Asylum

Mr A D Iyrmore Superintendent of the Alipore Jail

2 The report should be printed and sent to the Surgeon General with the Government of Bombay the Inspector General of Prisons and all Superintendents of Jails and Asylums

3 It does not appear that there has been any failure in this Presidency to appreciate the serious responsibility involved in the release of convict criminal lunatics. It is not improbable, however, that insanoes who have been committed to an asylum until fit to make their defence, may, when discharged as fit to make their defence, have been subsequently sent out into the world free from all restraint before having undergone any period of probation and treatment sufficient to guarantee their fitness for a free life. Special attention is drawn to this in the report, and Rules 5 and 6 of the Rules "for the guidance of Executive and Judicial officers in dealing with criminal lunatics" make provision for the matter.

4 The rules were submitted to the Surgeon General and the Inspector General of Prisons for report. Those officers are of opinion that they may be brought into force in this Presidency on the understanding that the employment of recovered lunatics as overseers and warders in jails be considered a tentative measure liable to terminate in the event of the experiment proving unsatisfactory.

5 It seems that at present in asylums all insanoes capable of being employed are engaged in various ways, such as cleaning up, gardening, conservancy, tailoring, carrying water, cook, assistants, &c., and it is doubtful whether recovered criminal lunatics could be employed as warders for two reasons, 1st because vacancies among the few warders are not very frequent, and 2nd because an asylum warder requires more than mere sanity, he must be a man of tact and kindly disposition, characteristics that may not be generally found in recovered criminal lunatics.

6 The rules, as approved by the Governor in Council, are issued as an appendix to this Resolution for information and guidance, and they will be published in the next Government Gazette. They are to be worked as an experimental measure, and any defect or difficulty in their application which may be noticed should be brought to the notice of Government.

APPENDIX TO GOVERNMENT RESOLUTION No 1803, DATED
3RD APRIL 1889

(An extract from the Supplement to the "Calcutta Gazette," August 22, 1888)

No 71, dated Calcutta, the 28th January 1888

From—E A BIRCH, Esq, M D, Surgeon Superintendent,
Presidency General Hospital,

To—The Chief Secretary to the Government of Bengal

I have the honour to submit herewith the report of the Committee appointed by the Bengal Government in its Resolution of 21st October 1887, upon the subject of the release of criminal lunatics.

Report of the Committee appointed in Government of Bengal Resolution (Judicial) of the 21st October 1887, to discuss the questions involved in, and elaborate rules for, the release of Criminal Lunatics

The purpose for which this Committee has been appointed is to investigate and discuss the issues involved in the important question of the disposal of the large and increasing class of criminal lunatics confined in the asylums and jails of Lower Bengal, with a view to elaborate rules of procedure which may in future be recognised by Government and regularly followed when each case is taken up, considered, and dealt with separately.

Duties of the Committee.

2 The question can be most appropriately discussed in three aspects—1st, the legal, 2nd, the medical, and 3rd, the administrative—and the main issues involved are justice to the individuals constituting this class of prisoners, economy, and the public safety.

Three aspects of the question

1 THE LEGAL ASPECT

3 Three Acts of the Governor General in Council must be considered in treating of this subject. Act V of 1871 is applicable only to persons detained or imprisoned under order or sentence of any Magistrate or Court, when they become insane while undergoing a term of imprisonment. Practically, therefore, it is applied only to prisoners who become insane during their incarceration in a jail. Under this Act the insane prisoner may be removed from jail to a lunatic asylum, and he there detained until his recovery or the expiry of his sentence, whichever occurs first. If he recovers from his insanity before the expiry of his sentence, he must be remanded to the prison from which he was removed, where he will undergo the remainder of his sentence, and then be discharged in the usual manner. If his recovery and the expiry of his sentence occur simultaneously, he is discharged directly from the asylum. If, however, a medical officer certifies that he cannot with safety to himself or others be so discharged, the Local Government may order his further detention in a lunatic asylum under the provisions of Act XXXVI of 1858.

The Prisoners Act (Act V of 1871)

4 The Committee is of opinion that the safety of the public is not sufficiently guarded by the provisions of this Act (Act V of 1871). Here no distinction is made with regard to the nature of the offence, nor are the medical history or mental attitude of the prisoner while under observation sufficiently considered. The prisoner may be a person suffering from recurrent mania, he may have been tried and sentenced during a lucid interval for a crime which may be an offence against the person, he may then have a relapse while in jail, be transferred to an asylum where he may make a speedy recovery, be remanded to jail, and then released on the expiry of his sentence, which may be very soon, without any further period of probation. Here everything is practically left to the discretion of the medical officer of the asylum, who may not have all the evidence necessary for a matured judgment before him, and it is evident from the sample cases which

Public safety insufficiently guarded.

were placed in the hands of the Committee that all medical officers do not regard with the same gravity the risks involved in the release of recovered lunatics

5 In these cases the disposal of the lunatic would have been regulated in a very different way if he had been confined under the provisions of Act X of 1882 instead of Act V of 1871, which dictates more stringent rules for the safety of the public than the latter does, and it cannot be regarded as right that such an important matter should be left to the accident—whether a dangerous person is confined under one Act or under another. The Committee is not aware whether any misadventures have occurred as the result of the release of recovered lunatics under Act V of 1871, but if they have not, it must be considered as due to the fact that the number of criminal lunatics brought under the provisions of this Act is very small

6 Act XXXVI of 1858 applies only to non criminal lunatics and to prisoners whose sentences have expired while under confinement in an asylum under the provisions of Act V of 1871, and who are detained there after the expiry of their sentences, in consequence of a certificate from a medical officer that such detention is necessary for the safety of themselves or others

7 When the Local Government so orders the detention of a lunatic prisoner after the termination of his sentence, he is transferred to the non criminal list, and the question of his subsequent release is regulated by the provisions of section 9 or 10 of Act XXXVI of 1858. Under section 9 it is lawful for three of the visitors, one being a medical officer, to order the discharge of any (non criminal) person confined in an asylum, and such person is thereupon discharged. Under section 10, a lunatic may be discharged by order of the Magistrate under whose authority he is detained, on security, after communication with the Visitors, or one of them, he being a medical officer

8 The release of a recovered criminal lunatic under these provisions is better safeguarded than is that of those who are discharged under the provisions of Act V of 1871; but it would be well if such cases were treated on the same lines and with similar precautions as those of the same class who are confined under Act X of 1882, whose release does not involve as a matter of fact different risks

9 Act X of 1882* is the Act under which the great bulk of the criminal population of lunatic asylums is confined

10 The first section which comes under consideration in this connection is section 166, which details the procedure with regard to accused persons found to be of unsound mind and incapable of making their defence. Here the procedure varies according to the nature of the offence. If it be bailable, the Magistrate

* Act X of 1882 supersedes Act X of 1872, Act X of 1877, and Act IV of 1877, under which Acts criminal lunatics were confined prior to 1882

may release such person on security If it be not bailable, or if Bailable and non bailable offences

tained The Local Government, if satisfied that he cannot safely be released without security, orders his detention in a lunatic asylum or other suitable place of safe custody

11 The Committee is clearly of opinion that this division of criminal lunatics into two classes, receiving different treatment in accordance with the accident whether the offence of which they are accused is bailable or not bailable is not commendable. This opinion will be justified at once by a reference to a list of bailable offences. Among these we find the following included — Causing death by rash or negligent act (304A), attempt to commit culpable homicide (308), voluntarily causing hurt (323), voluntarily causing hurt by dangerous weapons or means (324), voluntarily causing grievous hurt (325) and doing or causing hurt, or grievous hurt, by any act which endangers human life or the personal safety of others (336, 337, 338). The distinction between bailable and non bailable offences is we submit founded on the assumption that the offender exercises a certain amount of discretion and restraint in the choice of the means and degree of force used by him in committing the offence. Thus voluntarily causing grievous hurt (325) is bailable but voluntarily causing grievous hurt by dangerous weapons or means (326) is not bailable. To apply such distinctions to the irresponsible actions of lunatics is not, we think, reasonable and they ought not to be made the ground for dividing criminal lunatics into two great classes of which one is let loose on society on the very unsafe security of a relative or friend and the other confined for an indefinite period within the walls of an asylum. We wish clearly to submit that in the case of an insane person the crime which he may happen to commit or whether he commit a crime at all is always more or less fortuitous. The character of the offence has often little bearing on the question of the propriety of releasing a lunatic on security or not. The two most dangerous lunatics which one of the members of this Committee has ever had to deal with were men who were committed one for petty theft and the other for simple house trespass. Had either of these men been released on security and exposed to the provocations which assail lunatics in their native villages and houses, there is little question but that they would ere long have been re-apprehended on graver charges.

12 When a lunatic commits a crime he does so suddenly, blindly, and without reflection. The offence bears no relation to provocation, temptation, or motive, such as constitute considerations in dealing with sane persons. A lunatic and a boy are together in a boat, the boy annoys the lunatic by moving about when the latter wishes to go to sleep. The lunatic may Instance

either simply "abuse" the boy, or he may rise, seize a bamboo, and smash in his head, and then quietly lie down and go to sleep. The procedure which he happens to adopt on this provocation ought not to form the basis on which his case should be dealt with when it comes up for disposal. The lunatic is really equally dangerous whether he has, on this occasion, simply made use of abusive language, or committed murder.

13 The whole circumstances surrounding a lunatic's crime are accidental. He seizes the first weapon that comes to hand, without considering whether it is lethal or not, and he applies it to a part and with a force which are not guided by intelligence and have no relationship to cause and effect. If it happens to hit the crown of the head, the case is one of murder or grievous hurt. If it miss the head and come on the shoulder, it may cause only a bruise and a simple hurt, but the mental aspect of the lunatic is the same whatever the weapon or the result.

Magistrate
and Civil
Surgeon often
unable to
form judgment

14 It is no doubt true that Magistrates do not always act strictly in accordance with the provisions of the Acts now under discussion. They often, and we presume always in doubtful cases, take the opinion of the Civil Surgeon on the question of the safety of releasing a criminal lunatic on security, but the Magistrate and the Civil Surgeon are not always in possession of the facts necessary for a trustworthy opinion on such a difficult and important subject, nor is it likely that they are always sufficiently alive in the hurry of the moment, to all the points which should be carefully considered before arriving at a conclusion, and yet on their decision the public safety depends.

Instance

15 It must also be admitted that, even when all the facts are before them, the recommendations of the Magistrate and Civil Surgeon are not always judicious. Sample case No. IX illustrates this want of ability to gauge the risk involved in such a decision. Ram Nevari Katak was a professional singer or reciter. His father had committed murder while in a state of temporary insanity. While engaged in performance, Ram Nevari suddenly seized a sword, ran amok among the audience, and severely wounded one man before his career was arrested. He was tried and acquitted on the ground of insanity, and his case was sent up to Government with a recommendation both by the Magistrate and Civil Surgeon that he should be released unconditionally. The Civil Surgeon based his recommendation on the man being like all men of his profession, of highly strung and excitable nervous system. Yet this was a man with an hereditary taint of insanity, with an unstable nervous system probably (though this does not appear) steeped in ganja, a favourite stimulant with people of this class and who had given the most unmistakable evidence that he was unable to control his actions. Government happily did not act on the recommendation, but remanded the accused to an asylum of which he has since been an inmate for ten years.

while under observation in the asylum—whether he was merely eccentric or showed homicidal tendencies, whether he was subject to periodic relapses of violent mania—is not known either to the court or to the local Government. In only a certain number of instances are they cognizant of the cause of insanity, and they are thus often dealing with a case in which this important factor is unknown. They act only on the simple certificate of the Visitors that the man after a period of observation is at last, and it may be only temporarily, capable of pleading that he was insane at the time he committed the offence. Neither then, nor in their previous half yearly reports, do the Visitors convey any information as to the mental attitude of the prisoner. Their reports are confined to the bare statement that he is still insane and incapable of making his defence. All that the Visitors imply by their final certificate is that the prisoner has sufficiently recovered to be able to plead insanity, so that his name may be removed from the Magistrate's file of pending cases. And to call upon the prisoner so far is the only action which can be safely taken on the Visitors' report as it is now submitted, either by the Magistrate or the local Government. The question of the disposal of the recovered lunatic is another one which ought to be decided on grounds altogether apart from that of his ability to plead, and these grounds are not before the Magistrate or the local Government when he is sent up for trial.

19 The time spent by a recovered lunatic, after regaining his sanity, before he is brought before the Visitors, is probably on an average about three months. The time occupied in arranging preliminaries, from his being declared sane till his discharge to stand his trial, varies from one month to fourteen, the average being four months, making an average period of altogether only seven months of apparent sanity before the man leaves the asylum. This is obviously quite an inadequate test of the permanency of his apparent cure, and is none at all of his power to resist the temptation to return to his *gunja* habit or other vice.

Instances

20 The following instances illustrate the risks which we point out.—A man aged 22, suffering from melancholia, commits murder in 1871. He remains insane for six years and has a short lucid interval in 1880 after which he again continues insane for three years. In March 1883, after a period of nearly nine years' almost continuous insanity, this murderer is declared capable of making his defence. He is discharged for trial in the following month and not again heard of. Another case of melancholia and murder is admitted in 1875 recovers but has relapses in 1876 and 1877, is declared fit for trial in October, and discharged for that purpose in December 1878, and is lost sight of. Similar cases are numerous.

21 Neither the Magistrate, nor the local Government, in dealing with these two cases under section 171 were in a position to know what they had to do, in the first instance, with a confirmed

lunatic brought before them in a lucid interval, or in the second, with a man subject to annual relapses. Had they been aware of the medical histories thus shortly detailed, both men would unquestionably have been returned to the asylum for a further and lengthened period of observation before final action was taken.

22 The Visitors in forwarding their opinion that the lunatic can now plead do not contemplate that final action will then be taken in the case, otherwise they should be careful to accompany it by a recommendation, or a warning, as the case might be.

23 The final proceedings affecting the history of a recovered criminal lunatic are those which are taken under sections 474 and 475 of Act X of 1882. The Committee hope that they will be able to submit rules which will enable the Government to decide on the numerous cases now awaiting disposal under these sections. Sections 474 and 475

24 From the sample cases forwarded to them, it is clear that the main difficulty arises from the fact that in most the data necessary for the decision are not contained in the papers before Government. The essential materials for forming a decision are the medical history of the case while under observation, the probable cause of insanity, the age and physical condition of the prisoner, and the social and physical state of the person offering security. The bundles before Government rarely contain any allusion to these points, and the Committee were conscious, in going over these bundles, of the impossibility of giving any decided opinion on the disposal of many of them in the absence of such details. The Commission contemplated in section 474 was no doubt devised to meet this difficulty by a local enquiry into all the circumstances, but the appointment of a Commission under this section seems to have fallen into comparative disuse in consequence, no doubt of the feeling that in most cases their enquiry could not be otherwise than formal for from the constitution of the Commission it must usually consist of the same individuals who had already expressed their opinion as Visitors of the asylum. It would practically amount to appointing a Committee to review the work of the same individuals in a slightly different capacity. Cause of difficulty
Special Commissions.

2 THE MEDICAL ASPECT

25 A consideration of the issues involved from the medical point of view renders it apparent that all kinds of lunacy cannot be dealt with under a uniform plan, but it will serve to show that the cases can be grouped into classes which vary in degree and kind of risks, to meet which rules can be formulated for the guidance of those with whom lies the final disposal.

26 Insanity is a symptom of disease or rather of a group of diseases of the organ of the mind, and its dangers and prognosis (on which safe recommendations for the disposal of patients manifesting these symptoms depend) vary with the form or type and cause of insanity, the degree and manner in which the affected organ is involved, and the age and physical power of the patient.

We feel strongly impressed that these must form the only reliable basis on which action can be safely taken

*Liability to
relapse most
important*

27 The point of most importance in the question of the propriety of releasing a recovered criminal lunatic is that of the probability of his recovery being permanent. It must be premised that in no case can an absolute assurance be given that a man, who has once been insane, will never become insane again. The same or similar causes, which determined his insanity in the first instance, are capable when acting together of causing a recurrence of the same effect at any more or less remote period. An instance is within our experience of a man who was a non criminal inmate of an asylum for a few months in 1870, who remained to all appearance sane for 16 years and committed a murder in 1887 under an illusion of sight. This, however is a very exceptional occurrence and no practical rules could be formulated which would exclude the possibility of such a calamity under their working. To attempt to do so would be equivalent to forbidding the release not only of recovered criminal lunatics altogether, but of non criminals also and to condemning them to imprisonment for life. In the vast majority of cases as is proved by experience, such a policy would be not only cruel, but unnecessary. Experience shows that a very large proportion of recovered criminal lunatics can be released with almost absolute safety and the selection of those who can and those who cannot be so released rests almost entirely on medical grounds.

*All lunatics
not equally
dangerous*

28 All criminal lunatics are not equally dangerous. It behoves us to know which are most so.

*Influence of
type of in-
sane*

29 In Indian asylums the most dangerous are those suffering (1) from acute mania and (2) melancholia. The maniac is the most dangerous while his mania lasts, but the melancholic is the most untrustworthy. The advent of an attack of acute mania is presaged by signs easily recognized by those familiar with insanity, and the patient can be segregated and treated before his paroxysm comes to a height but the melancholic gives no warning, he broods for months or years over his fears his sorrows or his fancied injuries and his outburst is unprovoked sudden and violent. Under acute or chronic mania the offences committed may be murder, grievous or simple hurt, mischief or arson theft, but the crime of melancholia is murder or suicide. An acute mania is of short duration and it results either in permanent recovery or in chronic mania usually of a cheerful happy kind with little liability to relapses of violence except when the cause is one which has so seriously and ruined the mental constitution. In melancholia on the other hand the crimes are generally of this latter nature the prognosis is slow, and the permanency of the result is uncertain.

*Danger of
mania and
melancholia
contrast*

*Direct
rules require
to be applied*

30 It follows from such considerations as these that different rules must be applied to a criminal lunatic recovering from an attack of mania and to one who has apparently recovered from

melancholia. The former (acute mania) need not be detained very long in an asylum after his recovery, but his power of resisting temptation should undergo a prolonged probation before he is finally released. The melancholic, on the other hand, is probably best treated throughout and for a long period, in an asylum.

31 In chronic mania everything will depend on the cause and on the mental attitude of the patient during the continuance of his insanity. If the cause is hereditary, he will be liable to relapses and should be detained for a lengthened period for observation in an asylum. If it is *ganja*, he should be kept a comparatively short time after his recovery in an asylum, and undergo a long period of probation in a jail. Many such, whose habitual attitude is one of cheerfulness and eccentricity (by far the most common variety of chronic mania in Bengal), might be released without waiting indefinitely for their recovery, if they have never shown any aggressive symptoms, and are capable of earning a livelihood for themselves, as a great many of them are, or if they have friends in a position to offer satisfactory security for them. Similarly, cases of chronic dementia, which are hopeless and harmless, may often be released, but generally only on security as they are rarely in a condition to earn a livelihood or to take care of themselves. If, however, they exhibit mischievous or filthy propensities as those suffering from chronic mania and chronic dementia often do, the expediency of releasing them even on security is very doubtful. One cannot forget what the ordinary fate of such a lunatic is. It is the life of a dog: he is starved, beaten and bound in chains. It is in this respect that the question of the social and physical condition of the lunatics' friends is so important. In some cases security for a tall stalwart maniac is offered by a feeble old grandmother his sole guardian. If the relatives of a lunatic suffering from chronic mania or chronic dementia are well to do and may be trusted to take really proper care of him, he is no doubt better with them than in an asylum; but if they are poor and have not the means to care properly for him, one would shrink from consigning him to a fate similar to that of many such unfortunates scattered over Bengal—perpetual chains and ill usage.

32 We have already touched on the influence which the cause of insanity bears to this question. It may be said that the causes of the mental

Influence of cause of insanity

of the mental

) originating, Hereditary and emotional causes have most permanent effects

without ap

parent reason than when the result of other conditions. Such cases should therefore be detained for relatively longer periods in an asylum than others. On the other hand, intoxicants such as *ganja*, alcohol, and opium, have more transient effects, unless their use has been very long continued. Such cases recover speedily, and long detention in an asylum for observation and treatment is unnecessary. Relapse without fresh access to the drug is not

Intoxicant more transient

likely to take place. On the other hand, they should be subjected to a certain period of probation with access to bázírs before being finally released.

Influence of age

33. Another important consideration in deciding such a question as the release of a recovered criminal lunatic is his age. Insanity in its dangerous forms is especially a disease of youth and middle age. The number of men who become insane after 10 is small, and after 50 very small. There would therefore be comparatively little risk *ceteris paribus* in releasing a man of 50 compared with that of discharging a man of 30. His physical condition may also be considered; a man who has grown old and feeble as a trusted inmate of an asylum might, with comparative safety, be allowed to go and end his days among his people, under circumstances that would debar a lusty young man from release.

and physical condition

General summary of medical aspect

34. The following summary will be found useful as the ground work on which all safe recommendations regarding the release of criminal lunatics who have exhibited violent tendencies should be based.

1. *Acute mania*—

Acute mania due to p'anya etc

(a) When the cause is gánja or other intoxicant, relapses, if any, occur early in the history of the case, and cease after a time, otherwise they do not recur except as a consequence of a return to the same exciting cause.

When due to other causes

(b) When the cause is heredity and in cases in which it is not known, or of a moral nature, relapses are liable to recur after long intervals of sanity extending to five or six years.

Chronic mania with relapses generally due to p'anya

2. *Chronic mania* may be primary or secondary to acute mania. In all cases of chronic mania in which relapses occur and the cause is known it has been found to be gánja, either alone or in association with other causes of insanity, such as alcohol or heredity. Relapses, if any, occur in quick succession early in the history. These cases either (a) recover permanently, or so long as they abstain from p'anya or (b) they pass into a condition of *chronic mania*, characterised by eccentricity, idleness, and with delusions of well-being. If released, they are often able to earn a livelihood for themselves, may be allowed to roam at large, and are not easily roused to violence. To this class belong the great majority of those guilty of petty theft, house trespass, mischief, etc., with whom the offence is a mere accident or episode of an otherwise non-criminal career, or (c) they become irritable, quarrelsome, destructive, mischievous, actively indecent, and easily provoked to violence. These latter are very untrustworthy, and the long detention in asylums is the chief cause of the steady increase in the criminal population of these institutions. If released they are generally channelled up in their own homes on account of their destructive, quarrelsome and indecent habits.

Trustworthiness of chronic mania—General

and interest

3 *Melancholia*—Ganja never appears as a cause of melancholia. It is always when the cause is known, found to be due to heredity or to moral causes deeply affecting the mental functions such as anxiety, grief, losses, law suits or jealousy. These cases are consequently characterised by long periods of mental depression with relapses, if any, at intervals ranging up to perhaps 10 or 12 years between the dates of a first and second attack, with, in the mean time lucid intervals which may last 1, 2, 3, 4 or 5 years. They are slow to wrath, but when roused their acts are sudden violent and uncontrolled.

Melancholia always due to emotional causes.

Of long duration

And uncertain result

4 *Dementia* is generally chronic and secondary to one of the foregoing types of insanity. Patients pass from a state of chronic mania or melancholia into one of chronic and hopeless dementia characterised by listlessness apathy, passive filthiness and careless indecency. They are not easily excited to acts of violence, and they are rarely capable of earning their own livelihood. When released they are usually kept chained up or beaten and starved in their own homes on account of their cunning mischievous, filthy and indecent habits.

Dementia generally secondary

5 From this summary certain commonsense principles are evolved with ease.

Principles of treatment

Cases included in class 1 (a) (acute mania due to ganja) need not be kept longer in an asylum than is necessary to show that the period of tendency to relapse has passed over. This may be put at three—certainly over two—years from the date of recovery from their last attack. This should however be subjected to a long period of probation three years of which should be in the grade of paid warder with the use of money and access to the bazar so that their power of resisting temptation to indulge in ganja &c. may be put to a severe test before their final release. Such a man should be kept in the grade of unpaid overseer only so long as to enable the Jail Superintendent to gauge his fitness for promotion to the post of paid warder.

Acute mania due to ganja

Detention in asylum short

In jail long

Those included in class 1 (b) (acute mania not due to ganja) should be kept longer in an asylum because their natural tendency to relapse is greater say four years and their further period of probation should we think be four years of which two should be spent in the grade of paid warder. Here the object is twofold—to extend the time of observation considerably and to afford a fair test of the power to resist temptation should drugs have been by any chance an unknown element in causation while at the same time the permanency of the cure is favoured and assured by returning the patient gradually to the world.

Acute mania not due to ganja

Detention in asylum longer in jail shorter

Those in class 2 (a) i.e. those who have recovered from chronic mania should be treated in the same way as those in class 1 (a) or (b) according as the cause is ganja or not.

Chronic mania recovered

Those in class 2 (b) may be released after they have passed six to ten years in an asylum without showing any marked irritability or

Unrecovered.

Medical
History all
important

whose history nothing is known. If during that time a lunatic accused or acquitted of a petty offence shows no aggressive symptoms, his case may be brought up for disposal. Government in dealing with such instances will have to consider, as before, the type and cause of insanity and the nature of the security offered. As already stated, when the insanity is the gay and happy variety of chronic mania, security may often be dispensed with, as also in certain milder forms of dementia, but in the irritable variety of chronic mania and in the worse forms of dementia the character of the security offered will be the main consideration. We would, however, strenuously insist that the nature of the crime alone cannot be accepted as ground for relaxing the rules for safeguarding the public from the risks of releasing criminal lunatics. These risks can only be safely accepted when the medical history sheet shows clearly that there has been no tendency at any time to violence. In every instance the cause, type and whole tendency of the case must have their due weight and the crime must be relegated to its proper position as a mere incident, though an important one, in the medical history.

3 THE ADMINISTRATIVE ASPECT

9 We have now to consider the administrative aspect of the question. How and where can a recovered criminal lunatic be most appropriately put through the period of probation which may be considered necessary prior to his final release?

Early period
of probation
must be in
asylum

10 There can be no question we think, that the early periods of probation, after apparent recovery from insanity, ought to be passed in a lunatic asylum under the eye of those whose business it is, and who are accustomed to note and treat the earliest signs of a tendency to relapse. It is only there that such signs will be recognised and properly treated. It is not an uncommon thing for recovered lunatics to come forward in an asylum and place themselves under treatment. They are conscious of something going wrong of beginning to lose control over their feelings and they ask to be taken care of. At such times different individuals exhibit peculiarities which are the same on each occasion. It may be nothing more than an alteration in manner or expression, a tendency to write with charcoal on the walls or to submit petitions. In an asylum these peculiarities are recognised in their proper light and the patient is humoured perhaps misled and receives a few doses of an appropriate remedy and the symptom may pass off. Sometimes he is removed from his occupation and other so that he cannot injure himself or others till he returns to his natural condition. In a jail the object would be to let him amuse himself or they would let him and extend as long as possible his period of probation. It is a mistake to let a lunatic out of a jail in which the danger is great only to say that it is a mistake to let a lunatic out of a jail in which the danger is great but not to let a lunatic out of a jail in which the danger is great.

41 It is clear for these reasons that during the development of the medical history, while the nature of the case, character of the patient, and the probability of relapse are still doubtful, a recovered lunatic should be detained under skilled observation and treatment in a lunatic asylum. Examples of the danger of departing from this salutary rule are not wanting. An instance is on record of an apparently recovered lunatic having been transferred to a jail within a year of his recovery, and there within a few months, suddenly, without provocation or apparent warning, slaying a fellow prisoner with a log of wood. Had he been detained longer in an asylum, some peculiarity would have been noted, and he would have been removed from an occupation where danger was possible and the impending attack of mania possibly perhaps stayed off.

Danger of premature transfer to jail

42 The period which should be spent in an asylum in this early stage of observation will vary with the nature of the case, but experience justifies the following recommendations. When ganja or other intoxicants enter as a cause, a period of three years of freedom from excitement or relapse is sufficient to remove as before stated, the likelihood of relapses in the absence of the exciting drug to one of remote probability. If therefore during six consecutive half yearly reports the patient remains free from excitement or abnormal irritability of temper, the propriety of transferring him to a jail may be brought up for consideration. If however, the case were one due to causes other than intoxicants, such a period would not be sufficient to test the liability to relapse. Experience shows that these relapses are not impossible up to six or seven more years, and we think that, while relapses are not improbable such a criminal lunatic should be detained for observation in an asylum, say, four years after apparent recovery.

The period for detention in asylum will vary

43 This brings us to the consideration whether the whole period of probation contemplated might not best be spent in an asylum. We see no reason why, as suggested in the Resolution of the 21st of October, recovered criminal lunatics should not be promoted to the position of unpaid asylum overseers. The system has already been tried in at least one of the asylums of Bengal with satisfactory results. Selected recovered criminals are there placed in charge of special gangs of other lunatics working in different parts of the asylum—in the garden the cook shed the carpenter shop the cow house the oil mills and with the sweepers, and they have taken the positions of former paid servants. They are found to do the work better and more punctually than formerly and it has been found possible to effect a considerable economy in the establishment which thus relieved to an appreciable extent of the duty of looking after harmless inmates can devote more care to the dangerous and untrustworthy. We would, however, leave the Superintendents unhampered by any regulations as to the selection of lunatics for these posts. In a well managed asylum it is not even essential that they should all be recovered lunatics in the sense in which the word is used throughout this discussion.

May be promoted to grade of unpaid overseers

Some of the most useful men will always be those who have been long in the asylum subject to periodic relapses which can always be foreseen and as such they are obviously unfit for transfer to a jail

Difficulty of
promoting to
paid keepers

44 We do not think however that promotion to the post of paid keeper in an asylum can be utilized so easily, and with so good a guarantee of testing permanent recovery, as that to the post of paid warder in a jail. The warders in a jail are provided with quarters outside and the recovered lunatic would live with them and be under the observation of a head warder to whom his habits both by day and night would no doubt be known. His falling to the temptation of gams or other intoxicants would thus probably be soon detected and reported. The keepers of asylums are not provided with quarters they live in their own houses in the town. The recovered lunatic if placed on the same footing with them would also have to live as they do and thus practically become removed from observation during a great part of every day and night. If however quarters were provided for asylum keepers promoted lunatics could live with them and be under just as good observation as they would be when promoted to paid warders in a jail but this would entail an expense which seems hardly called for.

Would not
constitute
perfect test

45 In the meantime and in the absence of quarters for asylum keepers we are of opinion that promotion to the post of paid overseer in a lunatic asylum where the lunatic would be detained within the asylum every night or be able entirely to elude observation in the town would not be so complete a test of his trustworthiness under temptation as promotion to the post of paid warder in a jail and it might even sometimes be very dangerous.

A legal test
would be a
certain

46 When from any reason such as the nature of the case or the economical and efficient management of an asylum it may be thought expedient to detain a recovered lunatic for a long period in an asylum and perhaps ultimately to discharge him direct from the asylum (as for instance when he has learned a handicraft and there is no one in the asylum to replace him) some special liberties might in the last year of his contemplated detention be awarded him such as liberty to leave the asylum during non working hours up to 10 P.M., with pay proportionate to his requirements after deducting the cost of his food in the asylum.

Can be used in
regulating
asylum

Still for
melancholia

47 As we have said we think that, when the disease has been melancholia this should be the rule and not the exception. There is as a matter of fact very little that is unpleasant in the life of a recovered criminal lunatic in a well managed asylum but deprivation of liberty. Recovered criminal lunatics form a community apart from the others they have their own dormitory where they are undisturbed by troublesome or noisy and dirty inmates. They can, if they choose cook and eat by themselves and they have other indulgences such as tobacco and a paper and a library is provided for their use where they may sit up to 10 P.M. before

being locked up for the night, they have their own quilts, they have musical instruments, and in some asylums fortnightly entertainments, and their various *pigas* are celebrated under the auspices of one of their own number. To remove a man from the enjoyment of these innocent indulgences, and submit him to the rigour of jail discipline, where all of these amenities are strictly forbidden is not in itself conducive to assure the permanency of his recovery. It can only be excused on the ground that it is necessary to do so in order to protect public safety. Recovered lunatics now choose to forego the indulgences of an asylum for the discipline of a jail because they think that by doing so they accelerate their ultimate release from custody, but if under a new system they were assured that their discharge would be equally speedy, there is not one who would voluntarily exchange the mild restraints of an asylum for the worrying details of jail life. On the other hand, to the morose disposition of a recovered melancholic, the latter might assume the appearance of unmerited punishment and it is in such a case that the discipline of a jail might possibly act as an incentive to a fresh attack characterised by a sudden onslaught on some unsuspecting companion. These cases which form a comparatively small percentage of recovered lunatics we therefore think might with advantage be excepted from the rule of passing all recovered criminal lunatics through a jail before final release. Experience shows them to be also liable to relapses at longer intervals than are any other class of lunatics.

48 Again there is no doubt that the presence of recovered lunatics in jails is a possibility and facilitates in transferring recovered lunatics to jails.

kind of duty, more especially such as necessitate a knowledge of drill, acting in concert for the prevention of escapes outbreaks &c. On that account the suitability of jails for the reception of recovered lunatics as paid warders is limited. This might from time to time, prevent the system of passing all recovered lunatics through jails being uniformly carried out. Sometimes it might happen that the plan could not be fully adopted without exceeding the number that could, with a due regard to the efficiency of the jail guard be so employed.

49 For these reasons we think that, though this should be the regular procedure there should be an alternative one by which melancholics and other lunatics may from time to time be liberated direct from asylums under precautions such as we have hinted at above.

50 Whenever it is thought advisable to remove a recovered lunatic from an asylum to a jail, the Superintendent of the jail should be furnished with a complete medical history of the lunatic, similar to that which, we think, should accompany his papers on all occasions when his case is about to enter on another phase, and the Superintendent should there clearly show in what way he has

Procedure on transferring lunatic to jail.

been employed while under probation in the asylum. This would serve to prevent the irritation or depression likely to follow his being placed unnecessarily on more degrading work in the jail than he has been accustomed to be entrusted with in the asylum. A man, possibly of good social position who while in the asylum acted as godown keeper or oil seller, or was in charge of the cook house or vegetable garden, would naturally feel aggrieved if put to sweep a surface drain on his admission to jail, and such work might sometimes have a prejudicial influence on his mental health. Such a man might at once be made a hospital attendant or keeper of an inside gate. But if the Jail Superintendent knew nothing of his previous history, he would not be justified in putting him to responsible work of this kind without some period of probation.

Re transfer
to asylum

51 Facilities should also be given for the immediate re transfer of a recovered lunatic to an asylum should he have a relapse of insanity. We have already shown that there are no facilities for treating a lunatic properly in a jail and his detention there, except as a test of the permanency of his recovery, is unwarrantable. A relapse shows that his recovery was only temporary, and he should at once be returned to the asylum from which he came. This could be done under Rule 20 of the Rules for the management of lunatic asylums which empowers the Inspector General of Jails and officers in charge of jails to transfer insane prisoners to asylums in anticipation of orders of Government in urgent and special cases.

Should be
transferred to
Central Jails

52 To facilitate this being done, it is desirable that the custom of transferring recovered lunatics in the first instance to Alipore Jail should be discontinued. They should instead be sent to the nearest central jail, consistently always with the ability of that jail to receive them. Re transfer, if necessary, could then take place under Rule 20 with less delay and with great advantage to the relapsed lunatic.

The number
now in asy-
lums fit for
transfer

53 From information received from the several asylums in Bengal, the Committee has reason to believe that there are not at present more than twenty individuals who would under the rules we submit for approval, be immediately eligible for transfer to jails. This number the seven central jails could easily provide for as overseers or on light work, according to their fitness. If in future no larger number were available annually, the central jails could continue to absorb them, for although it would not be advisable to appoint more than two paid warders of this class in each central jail, it is possible that only two thirds of the entire number would, by reason of their intelligence and steadiness under probation, be found competent to undertake the duties required of them in that grade. If larger numbers were forthcoming in future years than the central jails could with due regard to the efficiency of the warder establishment provide for, the more important of the district jails could each entertain one recovered lunatic as a paid warder, those district jails situated close to asylums being first utilized for the purpose.

Could be
absorbed by
Central Jails

could be
absorbed by

54 The Committee is of opinion that it is important while utilizing the Jail department for this purpose that care should be taken that the occupation of each individual should be such as would have a tendency to develop rather than cramp his mental faculties and enlarge his sense of responsibility and usefulness. To this end his asylum history should be supplied to the Jail so that his capacity might be gauged by the Jail Superintendent and the work allotted to him be in accord with his capabilities. The duties on which this class could most advantageously be employed previous to promotion to the grade of paid warder are in the opinion of the Committee the following — Messengers inside gate keepers passmen taking charge of parties or of individual prisoners proceeding to latrines &c ration weighers and hospital attendants for which last duty the more intelligent would be specially suitable. After a period of employment in such capacities they could at the discretion of the Superintendents of the Jails be promoted to the grade of unpaid overseers and subsequently to that of unpaid convict warders putting in their final probation as paid warders for prescribed periods of two or three years.

55 From the records before us we are convinced that the period of detention in jail suggested in the Government Resolution is insufficient. Three years of which one would be in the grade of paid warder would not be an adequate test of the permanency of recovery in cases of acute and chronic mania especially with a ganja habit. Unless the recovered lunatic had spent a longer period than we propose in an asylum such a period of detention in jail would not cover the time which we think necessary to protect the public against the risk of premature release. Our proposals while they ensure greater safeguards do not increase the cost to Government because during the extra time we would prescribe for final proof of their trustworthiness recovered lunatics would take the place of paid servants and the warder establishment and its cost would not undergo any increment.

56 The evidence which we have of the liability to relapse in the early period of apparent recovery rendering detention for three years in an asylum a wise precaution may give rise to a feeling of disappointment as regards the small number which can immediately be brought under the action of our proposed rules and transferred to jails. But we feel that great caution is required in dealing with this notoriously untrustworthy class of criminals and we do not think that this period can in the case of violent and homicidal lunatics be safely curtailed.

57 But although much immediate reduction would not be effected by our proposals in these classes under the rules which we suggest the asylums will be relieved of a large number of harmless criminal lunatics now detained indefinitely in the absence of any safe guide for their disposal and in other respects especially as regards the manner in which criminal lunatics will be dealt

Duties suitable for recovered lunatics in Jails

The period of detention in Jail contemplated in Government Resolution not sufficient

Great caution necessary in disposal of criminal lunatics

with by executive and judicial officers and their cases sent up for the orders of Government, a marked and necessary improvement will we hope, follow their adoption

58 The Committee would venture to remark that, in their opinion, the time at the disposal of a Secretary to Government, and the unlikelihood of his possessing special knowledge, render it desirable that he should be assisted in framing the recommendations which it is his duty to submit for the orders of Government. We therefore beg to suggest that a Standing Committee, consisting of the Secretary to Government as President, the Inspector-General of Jails or a Jail Superintendent, and a Presidency Surgeon, meet at stated intervals to dispose of the cases of criminal lunatics under these rules

E. A. BIRCH M.D.

Surgeon Superintendent of the Presidency General Hospital

A. CROMBIE M.D.,

Superintendent of the Dacca Lunatic Asylum

A. D. LAKSHMUL,

Superintendent of the Alipore Jail

*Rules for the guidance of Executive and Judicial Officers
in dealing with criminal lunatics*

WHenever the papers of a criminal lunatic are sent up to Government for orders, they should be accompanied by a medical history sheet (Appendix I) containing the following particulars without which a safe decision cannot be arrived at

- 1 Name and sex
- 2 Crime
- 3 Present age
- 4 Physical state
- 5 Probable cause of insanity
- 6 Type of insanity
- 7 Duration of insanity, and has it been continuous, giving dates?
- 8 Has he at any time shown a grave symptomatic?
- 9 If so, when and of what kind?
- 10 If reported crime how long since last manifestation of insanity?
- 11 Is he subject to relapses? If so, give dates

- 12 Is he capable (a) of taking care of himself, (b) of earning a livelihood ?
- 13 How has he been employed while in asylum ?
- 14 If security is obtainable, its nature and the social position and character of the sureties

1 In every case in which a lunatic is known to have been under treatment in an asylum (*vide* Government Resolution No 5851 dated 4th November 1889), the medical history sheet should be accompanied by an abstract from the asylum case book, detailing the chief events in his history, recorded opinions, with dates, regarding his mental attitude while under observation in the asylum together with the opinion of the Superintendent of the Asylum and the safety of the proposed procedure

I—When the lunatic has been confined in a Lunatic Asylum under Act V of 1871 (Prisoners Act as amended by Act X of 1886)

2 When a remand to jail under section 31 of this Act is recommended, the Superintendent of the Asylum should give specific reasons for thinking that this procedure is a safe one having due regard to the medical history and length of unexpired sentence to run before final release from jail

3 When further detained under Act XXXVI of 1858 and the case is brought before the Visitors under section 9 or the Magistrate under section 10 of that Act, it will be the duty of the Superintendent of the Asylum to furnish in writing all the details required in Appendix I for the information of the said Visitors or Magistrate together with his own opinion of the safety of releasing the lunatic

4 In the event of the lunatic having at any time exhibited a tendency to violence, it will be the duty of the Visitors or Magistrate as the case may be to satisfy themselves that a sufficient length of time has elapsed since such manifestation to render a recurrence improbable, and that the sureties are in a position to control the actions of the lunatic should it recur

II —Release of an accused lunatic pending investigation or trial under section 466 of Act X of 1882

5 If the crime of which such person is accused be an offence against the person, or if there is reason to believe that he has at any time been aggressive, the Magistrate or Court of Sessions should consult the Civil Surgeon or other medical officer under whose observation the lunatic has been detained, and he should have before him the information detailed in Appendix I, as far as possible, before accepting bail

III —Procedure when lunatic prisoner is reported capable of making his defence under section 473 of Act X of 1882

6 The Magistrate or Court of Sessions should keep in mind that, unless the opinion of the Visitors of an Asylum that the accused is capable of making his defence is accompanied by a medical history of the lunatic, detailing especially the type and cause of insanity, his mental attitude while under observation, and his liability to relapses, there is generally not sufficient ground before them for making any recommendation to the Local Government for the disposal of such person under section 471. It shall, therefore, be the duty of the Superintendent of the Asylum to forward with every lunatic sent to stand his trial his medical history sheet carefully filled in, together with an abstract from the case book, detailing the chief events of his history with recorded opinions of his case, for the information of the Magistrate or Court and for transmission to the Local Government

IV —Procedure under section 474 when a criminal lunatic is harmless and his crime not an offence against the person, or, if so, of a trivial nature

7 When a criminal lunatic has never exhibited any tendency to violence, and his crime has not been an offence against the person, or, if so, if it was of a trivial nature and not evincing a decided homicidal tendency, the Local Government will be mainly guided in passing orders under section 174 by the recommendations of the Visitors and of the Superintendent of the Asylum, with whom, therefore, the responsibility of releasing or detaining the lunatic will practically rest

V — Procedure when a recovered lunatic is transferred to a jail

8 When a recovered criminal lunatic is transferred from an asylum to a jail, the Superintendent of the Asylum will forward to the Superintendent of the Jail a copy of the lunatic's medical history

sheet, together with a statement showing the manner in which he has been employed in the asylum up to the time of his transfer

9 Recovered criminal lunatics shall, when transferred to a jail, be transferred, in the first instance, to the jail of the district in which the asylum is situate. For this purpose the Bombay Common Jail and the Bombay House of Correction shall be the receiving jails for the Colába Asylum, the Yeravda Jail for the Poona Asylum, and the Hyderabad, Ahmedabad, Ratnágiri and Dhárwár Jails for the respective asylums of those cities and stations. In these receiving jails the recovered lunatic shall serve the probationary period which may be passed in the grade of convict overseer, after which he may be transferred to serve as convict and paid warder in the jail nearest his home

VI — Procedure when a lunatic, who is undergoing probation in jail, relapses

10 When a recovered criminal lunatic undergoing probation in a jail has a relapse of insanity, he should be immediately returned to the asylum from which he came, in anticipation of the order of Government

VII — Miscellaneous provisions

11 In those cases in which it is impossible, for reasons of physical or mental infirmity, to promote a recovered criminal lunatic confined in a jail to the higher grades of the Jail service, the Inspector-General of Jails is authorized to sanction a monthly allowance of Rs 2 in addition to the jail scale of diet, which allowance the recovered lunatic may spend in the bazar for his private use

12 Recovered female criminal lunatics will not in any case be transferred to jails, but may be promoted at the discretion of the Superintendent of the Lunatic Asylum to the post of keeper, receiving, after a period of probation of at least two years, a monthly allowance of Rs 2, and may be eventually released on conditions similar to those laid down for recovered male lunatics transferred to jails

APPENDIX I

Form of Medical History Sheet to be sent to the Local Government with the Visitors' recommendations regarding criminal lunatics or to the Superintendent of a Jail on the transfer of a lunatic

[1--13 to be filled in by the Superintendent of the Asylum in which the lunatic has been confined, 14 to be filled in by the Magistrate of the district to which the lunatic belongs]

1 Name and sex

2 Crime

3 Present age

4 Physical health

5 Probable cause of insanity

6 Type of insanity

7 Duration of insanity and has it been continuous giving dates?

8 Has he at any time shown aggressive symptoms?

9 If so when and of what kind?

10 If reported safe how long since last manifestation of insanity?

11 Is he subject to relapses?
If so, give dates

12 Is he capable (a) of taking care of himself, (b) of earning a livelihood?

13 How has he been employed while in Asylum?

14 If security is obtainable, its nature and the social position and character of the sureties

Principles on which the Local Government will act in disposing of the cases of criminal lunatics sent up for orders under sections 466, 471, 474 and 475 of Act X of 1882

- I—Medical history sheet to be called for in every case ' 1 Final orders should not be issued unless the lunatic's papers are accompanied by the medical history sheet, as suggested in Appendix I

A—Recovered criminal lunatics

- II—Crime—Offence against person 2 If the crime be against the person, the cause ganja or other intoxicant, and the type of insanity acute or chronic mania, a period of three years should be spent in an asylum free from all signs of insanity before any action is taken

(a) Age under 40 years (a) At the end of that time, if under 40 years of age and in good physical health, he may be transferred to the nearest central or other jail there to undergo a period of probation of six years of which three may be in the grade of paid warder

(b) Age over 40 years (b) If over 40 years of age or in poor physical health the period of probation in jail may be shortened according to circumstances of crime and nature of security offered

In any case security should if possible, be taken on the expiry of his period of probation in jail

- III—Crime—Offence against person 3 If the crime be an offence against the person, the type of insanity acute or chronic mania and the alleged cause not ganja or other intoxicant a period of at least four years of complete freedom from insanity should be spent in an asylum before action is taken

(a) Age under 40 years (a) At the end of that time if under 40 years of age and in good physical health he may be transferred to a jail there to undergo a probation of four years of which two may be in the grade of paid warder

(b) Age over 40 years (b) If over 40 years of age, the period of probation in jail may be shortened according to circumstances of health and security. Security should if possible be taken before his final release from Jail supervision

IV — Crime — *Not offence against person but mental attitude aggressive*
Type — Acute or chronic mania

4 If the crime be not an offence against the person, but the lunatic has at any time exhibited dangerous or violent tendencies, and the type of insanity is acute or chronic mania, he should be treated exactly as above, except that the period of probation in jail may be shortened in accordance with the kind and degree of violence exhibited always provided that in ganja cases the period spent as paid warder may be three years and in non ganja cases two years. In all, security should, if possible, be taken on final release.

V — Crime — *Not offence against the person or, if so trivial in its nature*
Mental attitude not aggressive

5 If the crime be not an offence against the person and there be no history that the lunatic was at any time aggressive, he may generally be treated much as if he were a non criminal lunatic. As has been stated in Rule 7 for the guidance of executive officers, the Local Government will generally be guided in such cases by the recommendations of the Visitors and of the Superintendent of the Asylum in which the lunatic has been confined.

VI — Crime — *Murder*
Type — Melancholia

6 If the type of insanity be melancholia, a period of at least six years' complete freedom from insanity should be passed in an asylum before action is taken. During the last year of this period the recovered criminal may be allowed access to the bazar under certain regulations.

(a) Age under 40 years

(a) If at the end of that period he is still under 40 years of age he should not be released except on excellent security.

(b) Age over 40 years

(b) If over 40 years of age, security should, if possible, be obtained.

VII — Crime — *Attempted suicide*
Type — Melancholia

7 If the crime be attempt to commit suicide, and not murder, the type melancholia, and if he has not exhibited any violent tendencies while under observation some relaxations of the rules may be permitted according to circumstances of age, period of detention &c.

Cases of melancholia should not be sent to pass a period of probation in jail.

*B — Unrecovered criminal lunatics*VIII — Crime —
*Offence against per-
son*(a) Type — Irritable
chronic mania

8 If the crime be an offence against the person the type chronic mania of the irritable aggressive kind it will seldom be possible to release the lunatic during the continuance of insanity, except in advanced age and on exceptional security

(b) Type — Chronic
mania

If the crime be an offence against the person the type of insanity chronic mania of the amiable kind a lunatic may be released after passing six to ten years in that condition but only on security

If below 10 years of age detention should generally be ten years if over 40 years of age six years may suffice

IX — Crime — *Not
offence against the
person or if so
trivial in its nature*
Mental attitude not
aggressive

9 If the crime be not an offence against the person or if no offence against the person of a trivial nature and the lunatic has never exhibited aggressive symptoms he may generally be treated much as if he were a non criminal lunatic and the Local Government when dealing with his case under section 474 will be guided chiefly by the recorded opinion of the Superintendent of the Asylum as to the propriety of releasing him and by the recommendations of the Visitors

(a) Type — Chronic
mania

(a) If his mental attitude be chronic mania characterised by good humour cheerfulness and amiability and he is able to earn his livelihood he may generally be released with or without security

(b) Type — Slight
chronic demen-
tia

(b) If it be chronic dementia or imbecility of slight degree he may be released on similar conditions

(c) Type — Irri-
table chronic
or pronounced
dementia

(c) If he be suffering from chronic mania of the irritable mischievous type or chronic dementia of a more pronounced character he may still be released but only on satisfactory security that he will be properly cared for and prevented from doing injury to himself or others

(d) Type — Worst
degrees of chro-
nic mania de-
mentia or imbe-
cility

(d) If the chronic mania be of inveterate type or the dementia or imbecility of the last degree the lunatic can only be safely and humanely treated in an asylum

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATES
OTHER THAN FOREIGN STATES.

SECTIONS.

- 7: (1) Issue of warrant by Political Agents in certain cases.
- (2) Execution of such warrant.
- (3) Proclamation and attachment in case of persons absconding.
8. (1) Release on giving security.
- (2) Magistrate to retain bond.
- (3) Re-arrest in case of default.
- (4) Deposit in lieu of bond, and forfeiture of bonds.
9. Requisitions by States not being Foreign States.
10. (1) Power to Magistrates to issue warrants of arrest in certain cases
- (2) Issue of warrant to be reported forthwith.
- (3) Limit of time of detention of person arrested.
- (4) Bail.
11. (1) Surrender of person accused of, or undergoing sentence for, offence in British India.
- (2) Suspension of sentence on surrender.
12. Application of Chapter to convicted persons.
13. Abetment and attempt.
14. Lawfulness of custody and re-taking under warrant issued under Chapter.
15. Power of Government to stay proceedings and discharge persons in custody.
16. Application of Chapter to offences committed before its commencement.
17. (1) Receipt in evidence of exhibits, depositions and other documents.
- (2) Authentication of the same.
- (3) Definition of "warrant."
18. Chapter not to derogate from treaties.

CHAPTER IV.

RENDITION OF FUGITIVE OFFENDERS IN HIS
MAJESTY'S DOMINIONS.

19. Application of Fugitive Offenders Act, 1881.

CHAPTER V.

OFFENCES COMMITTED AT SEA.

SECTIONS

- 20 Requisition for surrender in case of offence committed at sea
-

CHAPTER VI

EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL COURTS OUTSIDE BRITISH INDIA

- 21 Execution of commissions issued by Criminal Courts outside British India
-

CHAPTER VII.

SUPPLEMENTAL.

- 22 Power to make rules
 23 Detention of persons arrested under section 51, clause *seventhly*, Act V, 1893
 24 Repeals
-

THE FIRST SCHEDULE—EXTRADITION OFFENCES.

THE SECOND SCHEDULE—ENACTMENTS REPEALED

ACT No. XV OF 1903¹.

[4th November 1903]

An Act to consolidate and amend the law relating to the Extradition and Rendition of Criminals

WHEREAS it is expedient to provide for the more convenient administration in British India of the Extradition Acts, 1870 and 1873, and of the Fugitive Offenders Act, 1881

33 & 34
Vict. c 52
36 & 37
Vict. c 60
44 & 45
Vict. c 1

And whereas it is also expedient to amend the law relating to the extradition of criminals in cases to which the Extradition Acts 1870 and 1873, do not apply,

It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Indian Extradition Act, 1903

Short title
extent and
commence-
ment

(2) It extends to the whole of British India (including British Baluchistan, the Santhal Parganas and the Pargana of Spiti), and

(3) It shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India* may direct²

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “European British subject” means a European British subject as defined by the Code of Criminal Procedure for the time being in force

Definitions

(Chapter II —Surrender of Fugitive Criminals in case of Foreign States —Section 3)

(b) “extradition offence” means any such offence as is described in the first schedule

(c) “Foreign State” means a State to which for the time being, the Extradition Acts 1870³ and 1873³ apply

33 & 34
Vict. c 52,
36 & 37

(d) “High Court” means the High Court as defined by the Code of Criminal Procedure for the time being in force

Vict. c 60

¹ For Statement of Objects and Reasons, see *Gazette of India* 1901 Pt. V p. 24 for Report of the Select Committee see *ibid* 1901 Pt. V, p. 469 for Proceedings in Council see *ibid* Pt. VI pp. 151 163 and 177

² The Act has been declared to come into force from 1st June 1904 (see *Gazette of India* Pt. I p. 364)

³ Printed Vols. I and II, respectively of the Collection of Statutes relating to India.

- (e) "offence" includes any act wheresoever committed which would, if committed in British India, constitute an offence and
- (f) "rules" include prescribed forms

CHAPTER III

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF FOREIGN STATES

- Requisition for surrender** 3. (1) Where a requisition is made to the Government of India or to any Local Government by the Government of any Foreign State for the surrender of a fugitive criminal of that State who is in or who is suspected of being in British India, the Government of India or the Local Government as the case may be, may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an offence committed within the local limits of his jurisdiction directing him to inquire into the case
- Summons or a warrant for arrest** (2) The Magistrate so directed shall issue a summons or warrant for the arrest of the fugitive criminal according as the case appears to be one in which a summons or warrant would ordinarily issue
- Inquiry by Magistrate** (3) When such criminal appears or is brought before the Magistrate, the Magistrate shall inquire into the case in the same manner and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by the Court of Session or High Court, and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive criminal including any evidence to show that the crime of which such criminal is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime
- Committal** (4) If the Magistrate is of opinion that a *prima facie* case is made out in support of the requisition he may commit the fugitive criminal to prison to await the orders of the Government of India or the Local Government, as the case may be
- Bail** (5) If the Magistrate is of opinion that a *prima facie* case is not made out in support of the requisition or if the case is one which is bailable under the provisions of the Code of Criminal Procedure for the time being in force, the Magistrate may release the fugitive criminal on bail
- Magistrate's report** (6) The Magistrate shall report the result of his inquiry to the Government of India, or the Local Government as the case may be, and shall forward, together with such report, any written statement which the fugitive criminal may desire to submit for the consideration of the Government

(7) If the Government of India or the Local Government as the case may be is of opinion that such report or written statement raises an important question of law, it may make an order referring such question of law to such High Court as may be named in the order and the fugitive criminal shall not be surrendered until such question has been decided

Reference to High Court if Government thinks necessary

(8) If upon receipt of such report and statement or upon the decision of any such question the Government of India or the Local Government as the case may be is of opinion that the fugitive criminal ought to be surrendered it may issue a warrant for the custody and removal of such criminal and for his delivery at a place and to a person to be named in the warrant

Warrant for surrender

(9) It shall be lawful for any person to whom a warrant is directed in pursuance of sub section (8) to receive hold in custody and convey the person mentioned in the warrant to the place named in the warrant and if such person escapes out of any custody to which he may be delivered in pursuance of such warrant he may be retaken as a person accused of an offence against the law of British India may be retaken upon an escape

Lawfulness of custody and retaking under warrant for surrender

(10) If such a warrant as is prescribed by sub section (8) is not issued and executed in the case of any fugitive criminal who has been committed to prison under sub section (4) within two months after such committal the High Court may upon application made to it on behalf of such fugitive criminal and upon proof that reasonable notice of the intention to make such application has been given to the Government of India or the Local Government as the case may be order such criminal to be discharged unless sufficient cause is shown to the contrary

Discharge of fugitive criminals committed to prison after two months

4 (1) Where it appears to any Magistrate of the first class or any Magistrate specially empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is a fugitive criminal of a Foreign State he may if he thinks fit issue a warrant for the arrest of such person on such information or complaint and on such evidence as would in his opinion justify the issue of a warrant if the crime of which he is accused or has been convicted had been committed within the local limits of his jurisdiction

Power to Magistrate to issue warrant of arrest in certain cases

(2) The Magistrate shall forthwith report the issue of a warrant under this section to the Local Government

Issue of warrant to be reported forthwith

(3) A person arrested on a warrant issued under this section shall not be detained more than two months unless within that period the Magistrate receives an order made with reference to such person under section 3 sub section (1)

Person arrested not to be detained unless order received

(4) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as

Bail

if such person were accused of committing in British India the crime of which he is accused or has been convicted

5. (1) If the Government of India or any Local Government is of opinion that the crime of which any fugitive criminal of a Foreign State is accused or alleged to have been convicted is of a political character, it may, if it thinks fit refuse to issue any order under section 3 sub-section (1)

(2) The Government of India or the Local Government may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged

6. The expressions "the Police Magistrate" and "the Secretary of State" in section 3 of the Extradition Act 1870¹, shall be read as referring respectively to the Magistrate directed to inquire into a case under section 3 of this Act, and to the Government of India or the Local Government, as the case may be

CHAPTER III

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATE OTHER THAN FOREIGN STATES.

7. (1) Where an extradition offence has been committed or is supposed to have been committed by a person not being a European British subject in the territories of any State not being a Foreign State and such person escapes into or is in British India, and the Political Agent in or for such State issues a warrant addressed to the District Magistrate of any district in which such person is believed to be for his arrest and delivery at a place and to a person or authority indicated in the warrant such Magistrate shall act in pursuance of such warrant and may give directions accordingly

(2) A warrant issued as mentioned in sub-section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested shall unless released in accordance with the provisions of this Act be forwarded to the place and delivered to the person or authority indicated in the warrant

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons at large shall with any necessary modifications apply where any warrant has been received by a District Magistrate under this section as if the warrant has been issued by himself

¹ The Extradition Act 1870 (33 & 34 Vict. c. 69) is now repealed in India by the Extradition Act 1946 (19 & 20 Ge. 6. c. 100) which provides that the provisions of the Extradition Act 1870 shall apply in India with such modifications as may be made by the Government of India in this behalf.

8. (1) Where a Political Agent has directed by endorsement on any such warrant that the person for whose arrest it is issued may be released on executing a bond with sufficient sureties for his attendance before a person or authority indicated in this behalf in the warrant at a specified time and place, the Magistrate to whom the warrant is addressed shall on such security being given release such person from custody Release on giving security

(2) Where security is taken under this section, the Magistrate shall certify the fact to the Political Agent who issued the warrant, and shall retain the bond Magistrate to retain bond

(3) If the person bound by any such bond does not appear at the time and place specified, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and handed over to any person authorized by the Political Agent to take him into custody Re arrest in case of default.

(4) In the case of any bond executed under this section, the Magistrate may exercise the powers conferred by the Code of Criminal Procedure for the time being in force in relation to taking a deposit in lieu of the execution of a bond and with respect to the forfeiture of bonds and the discharge of sureties Deposit in lieu of bond and for forfeiture of bonds

9. Where a requisition is made by the Government of India or to any Local Government by or a Foreign State, for the surrender of a person committed an offence in the territories of such State such requisition shall (except in so far as relates to the taking of evidence to show that the offence is of a political character or is not an extradition crime) be dealt with in accordance with the procedure prescribed by section 3 for requisitions made by the Government of any Foreign State as if it were a requisition made by any such Government under that section

Provided that if there is a Political Agent in or for any such State the requisition shall be made through such Political Agent

10. (1) If it appears to any Magistrate of the first class or any Magistrate empowered by the Local Government in this behalf that a person within the local limits of his jurisdiction is accused or suspected of having committed an offence in any State not being a Foreign State and that such person may lawfully be surrendered to such State, or that a warrant may be issued for his arrest under section 7, the Magistrate may, if he thinks fit, issue a warrant for the arrest of such person on such information or complaint and on such evidence as would in his opinion, justify the issue of a warrant if the offence had been committed within the local limits of his jurisdiction Power to Magistrates to issue warrants of arrest in certain cases.

(2) The Magistrate shall forthwith report the issue of a warrant under this section if the offence appears or is alleged to have been committed in the territories of a State for which there is a Political Agent, to such Political Agent and in other cases to the Local Government Issue of warrant to be reported forth with

if such person were accused of committing in British India the crime of which he is accused or has been convicted

Power of Government to refuse to issue order under section 3 when crime of political character

5. (1) If the Government of India or any Local Government is of opinion that the crime of which any fugitive criminal of a Foreign State is accused or alleged to have been convicted is of a political character, it may, if it thinks fit, refuse to issue any order under section 3, sub-section (1).

Power of Government to discharge any person in custody at any time

(2) The Government of India or the Local Government may also at any time stay any proceedings taken under this Chapter and direct any warrant issued under this Chapter to be cancelled and the person for whose arrest such warrant has been issued to be discharged

References to "Police Magistrate" and "Secretary of State" in section 3 of Extradition Act 1870

6. The expressions "the Police Magistrate" and "the Secretary of State" in section 3 of the Extradition Act, 1870¹, shall be read as referring respectively to the Magistrate directed to inquire into a case under section 3 of this Act, and to the Government of India or the Local Government, as the case may be

33 &
Vict
52

CHAPTER III.

SURRENDER OF FUGITIVE CRIMINALS IN CASE OF STATES OTHER THAN FOREIGN STATES

Issue of warrant by Political Agents in certain cases.

7. (1) Where an extradition offence has been committed or is supposed to have been committed by a person not being a European British subject in the territories of any State not being a Foreign State and such person escapes into or is in British India, and the Political Agent in or for such State issues a warrant addressed to the District Magistrate of any district in which such person is believed to be, for his arrest and delivery at a place and to a person or authority indicated in the warrant, such Magistrate shall act in pursuance of such warrant and may give directions accordingly

Execution of such warrant

(2) A warrant issued as mentioned in sub section (1) shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants, and the accused person, when arrested, shall, unless released in accordance with the provisions of this Act, be forwarded to the place and delivered to the person or authority indicated in the warrant

Proclamation and attachment in case of persons absconding

(3) The provisions of the Code of Criminal Procedure for the time being in force in relation to proclamation and attachment in the case of persons absconding shall, with any necessary modifications, apply where any warrant has been received by a District Magistrate under this section as if the warrant has been issued by himself

¹ Printed in Vol. J of the Collection of Statutes, relating to India, p. 473

² The provisions of the Code of Criminal Procedure in force in British India shall apply to the cases of any Order in

direct any warrant issued under this Chapter to be cancelled, and the person for whose arrest such warrant has been issued to be discharged

to stay proceedings and discharge persons in custody

16. The provisions of this Chapter shall apply to an offence or to an extrajudicial proceeding the passing of which is prohibited by the laws of British India

Application

17. (1) In any proceedings under this Chapter, exhibits and depositions (whether received or taken in the presence of the person against whom they are used or not) and copies thereof and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence

commencement
Receipt in evidence or exhibits deposited in other documents

(2) Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of justice outside British India or copies thereof and certificates of or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated —

Authentication of the same

- (a) if the warrant purports to be signed by a Judge Magistrate or officer of the State where the same was issued or acting in or for such State
- (b) if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge Magistrate or officer of the State where the same were taken or acting in or for such State, to be the original depositions or statements or to be true copies thereof as the case may require
- (c) if the certificate of, or judicial document stating the fact of a conviction purports to be certified by a Judge Magistrate or officer of the State where the conviction took place or acting in or for such State
- (d) if the warrants, depositions statements, copies certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the same were respectively issued taken or given

(3) For the purposes of this section a warrant includes any judicial document authorizing the arrest of any person accused or convicted of an offence

Definition of warrant

18. Nothing in this Chapter shall derogate from the provisions of any treaty for the extradition of offenders and the procedure provided by any treaty shall be followed in any case to which it applies, and the provisions of this Act shall be modified accordingly

Chapter not to derogate from treaty

Limit of
time of de-
tention of
person
arrested

(3) A person arrested on a warrant issued under this section shall not, without the special sanction of the Local Government, be detained more than two months, unless within such period the Magistrate receives an order made with reference to such person in accordance with the procedure prescribed by section 9, or a warrant for the arrest of such person under section 7.

Bail

(4) In the case of a person arrested or detained under this section the provisions of the Code of Criminal Procedure for the time being in force relating to bail shall apply in the same manner as if such person were accused of committing in British India the offence with which he is charged.

Surrender of
person
accused of
or under
going
a sentence for
offence in
British India

11. (1) A person accused of an offence committed in British India, not being the offence for which his surrender is asked, or undergoing sentence under any conviction in British India, shall not be surrendered in compliance with a warrant issued by a Political Agent under section 7 or a requisition made by or on behalf of any State not being a Foreign State under section 9, except on the condition that such person be re-surrendered to the Government of India or the Local Government as the case may be on the termination of his trial for the offence for which his surrender has been asked.

Provided that no such condition shall be deemed to prevent or postpone the execution of a sentence of death lawfully passed.

Suspension of
sentence on
surrender

(2) On the surrender of a person undergoing sentence under a conviction in British India, his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

Application
of Chapter to
convict i
pers on

12. The provisions of this Chapter with reference to accused persons shall, with any necessary modifications, apply to the case of a person who, having been convicted of an offence in the territories of any State not being a Foreign State has escaped into or is in British India before his sentence has expired.

Abetment
and attempt

13. Every person who is accused or convicted of abetting or attempting to commit any offence shall be deemed, for the purposes of this Chapter, to be accused or convicted of having committed such offence, and shall be liable to be arrested and surrendered accordingly.

Lawfulness
of custody
and re-taking
under
warrant
issued under
Chapter

14. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Chapter, to receive hold in custody and convey the person mentioned in the warrant, to the place named in the warrant and, if such person escapes out of any custody to which he may be delivered in pursuance of such warrant he may be re-taken as a person accused of an offence against the law of British India may be re-taken upon an escape.

Power of
Government

15. The Government of India or the Local Government may, by order, stay any proceedings taken under this Chapter, and may

CHAPTER VII

SUPPLEMENTAL

22. (1) The Governor General in Council may make rules¹ to carry out the purposes of this Act Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them,
- (b) the seizure and the disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies,
- (c) the pursuit and arrest in British India, by officers of the Government or other persons authorized in this behalf, of persons accused of offences committed elsewhere, and
- (d) the procedure and practice to be observed in extradition proceedings

(3) Rules made under this section shall be published in the *Gazette of India* and shall thereupon have effect as if enacted by this Act

23. Notwithstanding anything in the Code of Criminal Procedure, 1898,² any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause *seventhy*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10 Detention of persons arrested under section 54 of clause *seventhy* Act V 1898

24. The Acts mentioned in the second schedule are repealed to the extent specified in the fourth column thereof repeals

THE FIRST SCHEDULE

EXTRADITION OFFENCES

[See section 2, clause (b), and Chapter III (*Surrender of Fugitive Criminals in case of States other than Foreign States*)]

[The sections referred to are the sections of the Indian Penal Code]

Frauds upon creditors (section 206)

Resistance to arrest (section 224)

Offences relating to coin and stamps (sections 230 to 263A)

¹ For rules, see *Gazette of India* 1901 Pt I p. 361

² See now the revised edition of the Code as modified up to 1st April 1903.

CHAPTER IV *

RENDITION OF FUGITIVE OFFENDERS IN HIS
MAJESTY'S DOMINIONS

Application
of Fugitive
Offenders
Act 1881.

19. For the purpose of applying and carrying into effect in 44 & 45 British India the provisions of the Fugitive Offenders Act, 1881, ^{Act c 89} the following provisions are hereby made —

- (a) the powers conferred on "Governors" of British possessions may be exercised by any Local Government
- (b) the powers conferred on a "Superior Court" may be exercised by any Judge of a High Court
- (c) the powers conferred on a "Magistrate" may be exercised by any Magistrate of the first class or by any Magistrate empowered by the Local Government in that behalf, and
- Act of 1880 (d) the offences committed in British India to which the Act applies, are piracy, treason and any offence punishable under the Indian Penal Code with rigorous imprisonment for a term of twelve months or more or with any greater punishment

CHAPTER V

OFFENCES COMMITTED AT SEA

Requisition
for surrender
in case of
offence
committed at
sea

20. Where the Government of any State outside India makes a requisition for the surrender of a person accused of an offence committed on board any vessel on the high seas which comes into any port of British India, the Local Government and any Magistrate having jurisdiction in such port and authorized by the Local Government in this behalf may exercise the powers conferred by this Act

CHAPTER VI

EXECUTION OF COMMISSIONS ISSUED BY CRIMINAL
COURTS OUTSIDE BRITISH INDIA

Execution of
commissions
issued by
Criminal
Courts
outside
British India

21. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in any country or place outside British India in like manner as it may be obtained in any civil matter under the provisions of the Code of Civil Procedure for the time being in force with respect to commissions, and the provisions of that Code relating thereto shall be construed as if the term "suit" included a criminal proceeding

Provided that this section shall not apply when the evidence is required for a court or tribunal in any State outside India other than a British Court and the offence is of a political character

shall

CHAPTER VII

SUPPLEMENTAL

22. (1) The Governor General in Council may make rules¹ to carry out the purposes of this Act Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the removal of prisoners accused or in custody under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them,
- (b) the seizure and the disposition of any property which is the subject of, or required for proof of, any alleged offence to which this Act applies,
- (c) the pursuit and arrest in British India, by officers of the Government or other persons authorized in this behalf, of persons accused of offences committed elsewhere, and
- (d) the procedure and practice to be observed in extradition proceedings

(3) Rules made under this section shall be published in the *Gazette of India* and shall thereupon have effect as if enacted by this Act

of
1902.

23. Notwithstanding anything in the Code of Criminal Procedure, 1898,² any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause *seventhly*, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 10 Detention of persons arrested under section 54 clause *seventhly* Act V 1898

24. The Acts mentioned in the second schedule are repealed to the extent specified in the fourth column thereof 1898

THE FIRST SCHEDULE

EXTRADITION OFFENCES

[See section 2, clause (b), and Chapter III (*Surrender of Fugitive Criminals in case of States other than Foreign States*)]

[The sections referred to are the sections of the Indian Penal Code]

Frauds upon creditors (section 206)

Resistance to arrest (section 224)

Offences relating to coin and stamps (sections 230 to 263A)

¹ For rules, see *Gazette of India*, 1904 Pt. I p. 364

² See now the revised edition of the Code as modified up to 1st April 1903.

Culpable homicide (sections 299 to 301).

Attempt to murder (section 307).

Thagi (sections 310, 311)

Causing miscarriage, and abandonment of child (sections 312 to 317)

Causing hurt (sections 323 to 333)

Wrongful confinement (sections 347, 348).

Kidnapping and slavery (sections 360 to 373).

Rape and unnatural offences (sections 375 to 377)

Theft, extortion, robbery, etc. (sections 378 to 414)

Cheating (sections 415 to 420)

Fraudulent deeds, etc (sections 421 to 424)

Mischief (sections 425 to 440)

Lurking house trespass (sections 443, 446)

Forgery, using forged documents, etc (sections 463 to 477A)

Desertion from any body of Imperial Service Troops.

Piracy by law of nations

Sinking or destroying a vessel at sea or attempting or conspiring to do so

Assault on board a ship on the high seas with intent to destroy life or to do grievous bodily harm

XLV of 1860. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master

Any offence against any section of the Indian Penal Code or against any other law which may, from time to time, be specified by the Governor General in Council by notification in the *Gazette of India* either generally for all States or specially for any one or more States

THE SECOND SCHEDULE

ENACTMENTS REPEALED

(See section 24)

Year	No	Short title.	Extent of repeal
1879	XLI	The Foreign Jurisdiction and Extradition Act, 1879	So much as is unrepealed
1893	IV	The Extradition (India) Act, 1893	The whole Act
1896	V	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896	The whole Act.

STATEMENT OF REPEALS AND AMENDMENTS.

REPEALED IN PART	ACT X OF 1882
AMENDED	ACT XII OF 1891 ;
	ACT V OF 1896

The following changes have been made in reprinting the Act —

- (1) repealed matter has been omitted, explanatory notes being inserted,
- (2) amendments have been inserted in their proper places with explanatory foot notes;
- (3) references to repealed Acts have been altered as directed by the enactment effecting such repeal, explanatory foot notes being inserted,
- (4) some further foot notes have been added for convenience of reference;
- (5) the number and year of each Act referred to in the text have been noted on the inner margin,
- (6) section numbers occurring in the text have been printed in figures instead of in words,
- (7) the headings to the pages have been amplified; and
- (8) a table of contents has been added

SECTIONS.

- 12A. Power to Political Agent to direct security to be taken and procedure thereon.
- 12B. Arrest on breach of bond to appear.
- 12C. Application of sections 513 and 514, Act X, 1882
- 13. Political Agent may himself dispose of case, or make over person to ordinary Courts for trial.
- 14. Requisitions for extradition by the Executive of any part of British dominions or Foreign Power.
- 15. Magistrate may in certain cases issue warrant for arrest of person accused of having committed an offence out of British India.
Magistrate to inform Political Agent or Local Government.
- 16. Person arrested to be released after certain time if not proceeded against.
- 17. Bail.
- 17A. Detention of persons arrested under section 54, clause seventhly, Act X, 1882.

 CHAPTER V.

MISCELLANEOUS.

- 18. Power to make rules.
 - 19. Execution of commissions issued by Foreign Criminal Courts
-

THE SCHEDULE.

ACT No. XXI OF 1879 [a].

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 14th
November, 1879)

An Act to provide for the trial of offences committed in places
beyond British India and for the Extradition of Criminals

[As modified up to the 1st May 1896]

WHEREAS by treaty, capitulation, agreement grant, usage, Preamble.
sufferance and other lawful means the Governor General of
India in Council has power and jurisdiction within divers places
beyond the limits of British India, and whereas such power and
jurisdiction have from time to time been delegated to Political
Agents and others acting under the authority of the Governor
General in Council, and whereas doubts having arisen how far the
exercise of such power and jurisdiction and the delegation thereof,
were controlled by and dependent on the laws of British India the
Foreign Jurisdiction and Extradition Act 1872 [b] was passed
to remove such doubts and also to consolidate and amend the law
relating to the exercise and delegation of such power and jurisdic-
tion and to offences committed by British subjects beyond the
limits of British India, and to the extradition of criminals and
whereas it is expedient to repeal that Act and re-enact it with the
amendments hereinafter appearing It is hereby enacted as fol-
lows —

CHAPTER I

PRELIMINARY

1. This Act may be called 'The Foreign Jurisdiction and
Extradition Act 1879'

Short title

It extends to the whole of British India
to all Native Indian subjects of Her Majesty beyond the limits
of British India and

Extent.

[a] Act XXI of 1879 has been declared in force in—

The Sonthal Parganas by Reg III of 1872 s. 3 as amended by Reg III of
1886 [Bengal Code Vol I Ed. 1889 p. 597]

Upper Burma generally (except the Shan States) by Act XX of 1886 s. 6
[Burma Code Ed 1889 p. 364]

British Baluchistan by Reg I of 1890 s. 3 [Baluchistan Code Ed 1890
p. 69] and

Angul and the Khondmals Reg I of 1894 s. 3

It has been declared to be in force in the following places—

[b] Act XI of 1872 is repealed by s. 2 of this Act.

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty,

Commence-
ment
Saving of
other laws
and of
treaties

and it shall come into force on the passing thereof

But nothing contained in this Act shall affect the provisions of any law or treaty for the time being in force as to the extradition of offenders, and the procedure provided by any such law or treaty shall be followed in every case to which it applies

Repeal

2. The Foreign Jurisdiction and Extradition Act, 1872, is repealed, but all existing requisitions and rules made ses, warrants, orders and d in so far as they are consistent herewith, be deemed to have been respectively made and issued hereunder

XI
187

Interpreta-
tion clause

3. In this Act, unless there is something repugnant in the subject or context,—

Political
Agent

“Political Agent” means and includes—

(1) the principal officer representing the British Indian Govern-
ment in any territory or place beyond the limits of British
India

(2) any [a] officer of the Government of India or of any Local
Government [a] appointed by the Governor General in
Council or [a] the Local Government [a] to exercise all or
any of the powers of a Political Agent under this Act for
any place not forming part of British India, and

European
British sub-
ject

“European British subject” means a European British sub-
ject as defined in the Code of Criminal Procedure 1882 [b]

X
18

CHAPTER II

POWERS OF BRITISH OFFICERS IN PLACES BEYOND BRITISH INDIA

Exercise of
powers of
Governor
General in
places be-
yond
British India
and delega-
tion thereof

4. The Governor General in Council may exercise any power or jurisdiction which he for the time being has within any country or place beyond the limits of British India, and may delegate the same to any servant of the British Indian Government, in such manner and to such extent as the Governor General in Council from time to time thinks fit

Notification
of exercise
or delegation
of such
powers

5. A notification in the Gazette of India of the exercise by the Governor General in Council of any such power or jurisdiction and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which

[a—a] These words were substituted for the original words by Act V of 1890 s. 1

such persons are to conform and of the local area within which their powers are to be exercised, shall be conclusive proof of the truth of the matters stated in the notification

6 The Governor General in Council may appoint any European Appointment, subject either by name or by virtue of his office, [a] to be powers and jurisdiction of a Justice of the Peace in or for any such country or place [a], and Justices of the Peace. and every such Justice of the Peace shall have in proceedings against European British subjects or persons accused of having committed offences conjointly with such subjects all the powers conferred by the Code of Criminal Procedure, 1882 [b] on Magistrates of the first class who are Justices of the Peace and European British subjects

The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial [c]

7. All Political Agents and all Justices of the Peace appointed before the twenty fifth day of April 1872, by the Governor General in Council or the Governor in Council of the Presidency of Fort St George or Bombay in or for any such country or place as aforesaid shall be deemed to be and to have been appointed and to have and to have had jurisdiction under the provisions of this Act Confirmation of existing Political Agents and Justices

8 The law relating to offences and to criminal procedure for the time being in force in British India shall subject as to procedure to such modifications as the Governor General in Council from time to time directs extend— Extension of criminal law of British India to British subjects out of India.

- (a) to all European British subjects in the dominions of Princes and States in India in alliance with Her Majesty and
- (b) to all Native Indian subjects of Her Majesty in any place beyond the limits of British India

CHAPTER III

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH SUBJECTS IN PLACES BEYOND BRITISH INDIA

9, 10 [Validity of British subjects for offences committed out of British India—Political Agent to certify fitness of inquiry into charge—Power to direct copies of depositions and exhibits to be received in evidence] Repealed by Act X of 1882 s 2 and Sch I (i) see notes ss 188 to 197 of that Act

[a—a] These words were substituted for the original words by Act XII of 1921. The amendment is to have effect as from the commencement of Act XVI of 1872—see s 2 (3) of Act XII of 1871.

[1] The reference to Act X of 1872 is altered in accordance with Act X of 1874, s 3. (Under Act X of 1872 see the revised ed. of the *Manual* dated 1st December 1888 published by the Law and Revenue Department.)

[c] As to trial of European British subjects in British India for offences committed in Native States—see Act X of 1872 s 188.

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty,

and it shall come into force on the passing thereof

Commence-
ment
Saving of
other laws
and of
treaties.

But nothing contained in this Act shall affect the provisions of any law or treaty for the time being in force as to the extradition of offenders, and the procedure provided by any such law or treaty shall be followed in every case to which it applies

Repeal

2. The Foreign Jurisdiction and Extradition Act 1872, is repealed, but all existing appointments, delegations, certificates requisitions and rules made, and all existing notifications summonses, warrants, orders and directions issued, under that Act shall in so far as they are consistent herewith be deemed to have been respectively made and issued hereunder

XI
18-

Interpreta-
tion clause

3. In this Act, unless there is something repugnant in the subject or context—

Political
Agent

‘Political Agent’ means and includes—

- (1) the principal officer representing the British Indian Government in any territory or place beyond the limits of British India
- (2) any [a] officer of the Government of India or of any Local Government [a] appointed by the Governor General in Council or [a] the Local Government [a] to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India, and

European
British sub-
ject

‘European British subject’ means a European British subject as defined in the Code of Criminal Procedure 1882 [b]

V
15

CHAPTER II

POWERS OF BRITISH OFFICERS IN PLACES BEYOND BRITISH INDIA

Exercise of
powers of
Governor
General in
places be-
yond
British India
and delega-
tion thereof

4. The Governor General in Council may exercise any power or jurisdiction which he for the time being has within any country or place beyond the limits of British India and may delegate the same to any servant of the British Indian Government in such manner and to such extent as the Governor General in Council from time to time thinks fit

Notification
of exercise
or delegation
of such
powers.

5. A notification in the Gazette of India of the exercise by the Governor General in Council of any such power or jurisdiction and of the delegation thereof by him to any person or class of persons and of the rules of procedure or other conditions to which

[a—a] These words were substituted for the original words by Act V of 1890 s. 1

[b] The reference to Act V of 1872 is altered in accordance with Act V of 1882 s. 3. (For Act V of 1882 see the revised edition as modified up to 15th December 1883 published by the Legislative Department.)

such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof of the truth of the matters stated in the notification

6. The Governor General in Council may appoint any European ^{Appoint-ment,} British subject, either by name or by virtue of his office, [a] to be a Justice of the Peace in or for any such country or place [a], and ^{powers and jurisdiction of} every such Justice of the Peace shall have in proceedings against ^{Justices of the Peace} European British subjects or persons accused of having committed offences conjointly with such subjects all the powers conferred by the Code of Criminal Procedure, 1882 [b] on Magistrates of the first class who are Justices of the Peace and European British subjects

The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial [c]

7. All Political Agents and all Justices of the Peace appointed ^{Confirmation} before the twenty fifth day of April, 1872, by the Governor General in Council or the Governor in Council of the Presidency of Fort ^{of existing} St George or Bombay, in or for any such country or place as ^{Political} ^{Agents and} ^{Justices.} aforesaid, shall be deemed to be and to have been appointed and to have and to have had jurisdiction under the provisions of this Act

8. The law relating to offences and to criminal procedure for the time being in force in British India shall subject as to procedure to such modifications as the Governor General in Council from time to time directs extend—

- (a) to all European British subjects in the dominions of Princes and States in India in alliance with Her Majesty, and ^{Extension of criminal law of British India to British subjects out of British India.}
- (b) to all Native Indian subjects of Her Majesty in any place beyond the limits of British India

CHAPTER III

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH SUBJECTS IN PLACES BEYOND BRITISH INDIA.

9, 10. [*Liability of British subjects for offences committed out of British India, Political Agent to certify fitness of inquiry into charge Power to direct copies of depositions and exhibits to be received in evidence*] Repealed by Act X of 1882 s 2 and Sch 1 (b) see now ss 188 to 190 of that Act

[a—a] These words were substituted for the original words by Act XII of 1891. The amendment is to have effect as from the commencement of Act XXI of 1879—see s. 2 (3) of Act XII of 1891.

[b] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition as modified up to 15th December 1883 published by the Legislative Department.)

[c] As to trial of European British subjects in British India for offences committed in Native States—see Act X of 1882 s. 183.

to all European British subjects within the dominions of Princes and States in India in alliance with Her Majesty,

Commence
ment
Saving of
other laws
and of
treaties

and it shall come into force on the passing thereof

But nothing contained in this Act shall affect the provisions of any law or treaty for the time being in force as to the extradition of offenders, and the procedure provided by any such law or treaty shall be followed in every case to which it applies

Repeal

2. The Foreign Jurisdiction and Extradition Act, 1872, is repealed, but all existing appointments, delegations, certificates, requisitions and rules made, and all existing notifications, summonses, warrants, orders and directions issued, under that Act shall, in so far as they are consistent herewith, be deemed to have been respectively made and issued hereunder

XI
187

Interpreta
tion clause

3. In this Act, unless there is something repugnant in the subject or context,—

Political
Agent

“Political Agent” means and includes—

(1) the principal officer representing the British Indian Government in any territory or place beyond the limits of British India

(2) any [a] officer of the Government of India or of any Local Government [a] appointed by the Governor General in Council or [a] the Local Government [a] to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India, and

European
British sub
ject

“European British subject” means a European British subject as defined in the Code of Criminal Procedure, 1882 [b]

X
18

CHAPTER II

POWERS OF BRITISH OFFICERS IN PLACES BEYOND BRITISH INDIA

Exercise of
powers of
Governor
General in
places be
yond
British India
and delega
tion thereof

4. The Governor General in Council may exercise any power or jurisdiction which he for the time being has within any country or place beyond the limits of British India and may delegate the same to any servant of the British Indian Government, in such manner and to such extent as the Governor General in Council from time to time thinks fit

Notification
of exercise
or delegation
of such
powers

5. A notification in the Gazette of India of the exercise by the Governor General in Council of any such power or jurisdiction, and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which

[a—b] These words were substituted for the original words by Act 1 of 1890, s. 1

such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof of the truth of the matters stated in the notification

6. The Governor General in Council may appoint any European Appointment, British subject, either by name or by virtue of his office, [a] to be powers and jurisdiction of a Justice of the Peace in or for any such country or place [a], and Justices of the Peace. every such Justice of the Peace shall have in proceedings against the Peace. European British subjects, or persons accused of having committed offences conjointly with such subjects, all the powers conferred by the Code of Criminal Procedure, 1882 [b] on Magistrates of the first class who are Justices of the Peace and European British subjects

The Governor General in Council may direct to what Court having jurisdiction over European British subjects any such Justice of the Peace is to commit for trial [c]

7. All Political Agents and all Justices of the Peace appointed Confirmation of before the twenty fifth day of April, 1872, by the Governor General of existing in Council or the Governor in Council of the Presidency of Fort Political Agents and St George or Bombay, in or for any such country or place as Justices nforesaid, shall be deemed to be and to have been appointed and to have and to have had jurisdiction under the provisions of this Act

8 The law relating to offences and to criminal procedure for Extension of the time being in force in British India shall, subject as to proce criminal law dure to such modifications as the Governor General in Council of British India to from time to time directs, extend—

- (a) to all European British subjects in the dominions of Princes and States in India in alliance with Her Majesty, and subjects of British India.
- (b) to all Native Indian subjects of Her Majesty in any place beyond the limits of British India

CHAPTER III

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH

CHAPTER IV

EXTRADITION

Arrest and removal of persons other than European British subjects escaping into British India

11. When an offence has been committed or is supposed to have been committed in any State against the law of such State by a person not being a European British subject, and such person escapes into or is in British India, the Political Agent for such State may issue a warrant for his arrest and delivery at a place named to a person to be named in the warrant—

if such Political Agent thinks that the offence is one which ought to be inquired into in such State

and if the act said to have been done would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code [a] mentioned in the schedule hereto annexed or under any other section of the said Code or any other law, which may, from time to time, be specified by the Governor General in Council by a notification in the Gazette of India

[b] The act of desertion from any body of Imperial Service Troops shall be deemed to be an offence in respect of which the Political Agent for the State to which such troops belong may issue a warrant under this section

Direction and execution of warrant

12. Such warrant may be directed to the Magistrate of any district in which the accused person is believed to be and shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants [c], and the accused person, when arrested, shall [d] unless released on bail in accordance with the provisions of the next following section [d] be forwarded to the place and delivered to the officer named in the warrant

Power to Political Agent to direct security to be taken and procedure thereon

[e] 12A. A Political Agent issuing a warrant for the arrest of any person under section 11 may in his discretion direct by endorsement thereon that if such person executes a bond with sufficient sureties for his attendance before the officer mentioned in the warrant at a specified time the Magistrate to whom the warrant is directed shall take such security and release such person from custody

The endorsement shall state (a) the number of sureties (if any) (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (c) the time and place at which he is to attend before the officer mentioned in the warrant

[a] For Act XLV of 1860 see the revised edition as modified up to 1st May 1896 published by the Legislative Department

[b] This paragraph was added by Act V of 1896 s. 2.

[c] See now Act V of 1887 Ch. VIB a reprint of which as modified up to 1st December 1898 has been published by the Legislative Department

[d—d] These words were inserted by Act V of 1896 s. 3.

[e] Sections 12A 12B and 12C were inserted by Act V of 1896 s. 4

Whenever security is taken under this section the Magistrate shall certify the fact to the Political Agent by whom the warrant was issued and shall retain the bond

[a] 12B If the person bound by any bond executed under the last foregoing section to appear before the officer mentioned therein does not so appear the Magistrate may, on being satisfied as to his default issue a warrant directing that he be re-arrested and delivered over to such officer

Arrest on
breach of
bond to
appear

[a] 12C. In the case of every bond required to be executed or which may have been executed in accordance with the foregoing provisions the powers conferred by sections 513 and 514 of the Code of Criminal Procedure 1882 [b] on the Court which has required the execution of or has taken a bond may be exercised by the Magistrate

Application
of sections
513 and 514
of Act N 1882

13. Such Political Agent may either dispose of the case himself or if he is generally or specially directed to do so by the Governor General in Council or by the Governor of the Presidency of Fort St George in Council or by the Governor of the Presidency of Bombay in Council may give over the person so for-warded whether he be a Native Indian subject of Her Majesty or not to be tried by the ordinary Courts of the State in which the offence was committed [c] or in the case of a deserter by a duly constituted Military Court [c]

Political
Agent may
himself dis-
pose of case
or make over
person to
ordinary
Courts for
trial

14. Whenever a requisition is made to the Governor General in Council or any Local Government by or by the authority of the persons for the time being administering the executive government of any part of the dominions of Her Majesty or the territory of any Foreign Prince or State that any person accused of having committed an offence in such dominions or territory should be given up the Governor General in Council or such Local Government as the case may be may issue an order to any Magistrate who would have had jurisdiction to inquire into the offence if it had been committed within the local limits of his jurisdiction directing him to inquire into the truth of such accusation

Requisitions
for extradi-
tion by the
Executive of
any part of
British dom-
inions or
foreign
Power

The Magistrate so directed shall issue a summons or warrant for the arrest of such person according as the offence named appears to be one for which a summons or warrant would ordinarily issue and shall inquire into the truth of such accusation and shall report thereon to the Government by which he was directed to hold the said inquiry If upon receipt of such report such Government is of opinion that the accused person ought to be given up to the persons making such requisition it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant

[a] Sections 12A 12B and 12C were inserted by Act V of 1896 s. 4

[b] For Act V of 1882 see the revised edition as modified up to 15th December 1888 published by the Legislative Department

[c—c] These words were added by Act V of 1896 s. 5.

The provisions of section [a] 189 of the Code of Criminal Procedure, 1882 [a], shall apply to inquiries held under this section

Magistrate may in certain cases issue warrant for arrest of person accused of having committed an offence out of British India

15. Whenever any person accused or suspected of having committed an offence out of British India is within the local limits of the jurisdiction of a Magistrate in British India, and it appears to such Magistrate that the Political Agent for any State could, under the provisions of section 11, issue a warrant for the arrest of such person, or that the persons for the time being administering the executive government of any part of the dominions of Her Majesty or the territory of any Foreign Prince or State could demand his surrender, such Magistrate may, if he thinks fit, issue a warrant for the arrest of such person, on such information or complaint and such evidence as would, in his opinion, justify the issue of such a warrant if the offence had been committed within the local limits of his jurisdiction

Magistrate to inform Political Agent or Local Government

Any Magistrate issuing a warrant under this section shall, when the offence appears or is alleged to have been committed in a State for which there is a Political Agent, send immediate information of his proceedings to such Agent, and in other cases shall at once report his proceedings to the Local Government

Person arrested to be released after certain time if not proceeded against

16. No person arrested on a warrant issued by a Magistrate under section 15 shall be detained more than two months from the date of his arrest, unless within such period the Magistrate receives a warrant under section 11 from the Political Agent for any State for the delivery of such person, or an order with reference to him under section 14 from the Governor General in Council or Local Government, or such person is in accordance with law delivered up to some Foreign Prince or State

At any time before the receipt of such a warrant or order the Magistrate, if he thinks fit, may, and the Magistrate if so directed by the Local Government shall, discharge the accused person

Bail.

17. The provisions of the Code of Criminal Procedure, 1882, in respect of bail [b] shall apply in the case of any person arrested under section 15 in the same manner as if such person were accused of committing in British India the offence with which he is charged

Detention of persons arrested under section 54, clause seventhly, Act V, 1882

[c] 17A. Notwithstanding anything in the Code of Criminal Procedure, 1882, any person arrested without an order from a Magistrate and without a warrant, in pursuance of the provisions of section 54, clause seventhly, of the said Code, may, under the orders of a Magistrate within the local limits of whose jurisdiction such arrest was made, be detained in the same manner and subject to the same restrictions as a person arrested on a warrant issued by such Magistrate under section 15 of this Act

ment.

[c] Section 17A was added by Act V of 1923 s. 6

CHAPTER V

MISCELLANEOUS

18. The Governor General in Council may, from time to time, Power to make rules. make rules to provide for—

- (1) the confinement, diet and prison discipline of British subjects European or Native, imprisoned by Political Agents under this Act,
- (2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant as entitled to receive them, and
- (3) generally to carry out the purposes of this Act

19. The testimony of any witness may be obtained in relation to any criminal matter pending in any Court or tribunal in the territory of any Foreign Prince or State in like manner as it may be obtained in relation to any civil matter under the Code of Civil Procedure, Chapter XXV [a], and the provisions of that chapter shall be construed as if the term 'suit' included a proceeding against a criminal Execution of commissions issued by Foreign Criminal Courts.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character

THE SCHEDULE

SECTIONS OF THE INDIAN PENAL CODE [b] REFERRED TO IN SECTION 11

Sections 206, 208 and 221, sections 230 to 263 both inclusive sections 299 to 301, both inclusive, sections 307 310 and 311, sections 312 to 317, both inclusive, sections 323 to 333, both inclusive, sections 317 and 318, sections 360 to 373, both inclusive, sections 375 to 377, both inclusive, sections 378 to 414, both inclusive, sections 435 to 440, both inclusive, sections 443 to 446, both inclusive, sections 461 to 468, both inclusive, sections 471 to 477, both inclusive

Jails

Classification of charges under
the head of "Contingencies"
in the Jail Department

No 8643

JUDICIAL DEPARTMENT

Bombay Castle, 28th December 1894

Resolution of the Government of India, Home Department, No 10-
JAILS—668 679, dated the 13th December 1894—Com-
municating the orders passed by the Government of India
after considering the replies of Local Governments and
Administrations to Home Department Circular 1 JAILS—
7 16, dated the 6th January 1894, relative to the classifi-
cation of charges under the head of "Contingencies" in
the Jail Departments and the amendment of Financial
Statements X and XI of the Provincial Jail Report

RESOLUTION—Copies of the Resolution and of its accompani-
ments should be forwarded to the Inspector General of Prisons,
with a request that effect may be given to the orders of the Gov-
ernment of India

2 Copies should also be sent to the Accountant General and
the Financial Department

No $\frac{10 \text{ Jails}}{668-679}$

*Extract from the Proceedings of the Government of India in the Home
Department (Jails), under date Calcutta, the 13th December 1894.*

READ—

Home Department Circular No $\frac{1 \text{ Jails}}{182-94}$, dated the 7th March
1892, and the replies of Local Governments and Adminis-
trations

Read also—

Home Department Circular No $\frac{1 \text{ Jails}}{7-16}$, dated the 6th January
1894, and the replies of Local Governments and Adminis-
trations thereto

RESOLUTION

With the Home Department circular of the 7th March 1892,
cited in the preamble, was forwarded an extract from a letter,
dated the 3rd February 1892, from the President of the Jail
Conference held at Calcutta, which brought to notice the want of
uniformity in the classification of charges under the head of Contin

gencies in the Jail Departments of the several Provinces, and suggested that statements should be called for showing what heads of expenditure are in each Province included under "Contingencies," together with the expenditure under each of those heads for the year 1891. The objects which the Government of India originally had in view in calling for this information in respect of contingent charges were to increase the value of the returns to Local Governments by making it possible for Inspector General to check extravagance in individual jails, and also to afford a fair basis on which the Government of India might compare the management of the jails in the several Provinces with regard to economy under this head of expenditure. An examination of the detail of the statements furnished by Local Governments however, considered with the requirements of the rules of the Accounts Department, led to the scope of the revision being widened, and it was found to be necessary to amend the whole of Annual Statement No X (showing the expenditure incurred on the guarding and maintenance of prisoners) appended to the Jail Reports. As stated in the Circular of the 6th January 1894, the Government of India are of opinion that only office expenses and rents rates and taxes should be classed as 'Contingencies,' and that the other numerous items hitherto included under this head should be re-distributed some under 'Rations' some under 'Hospital charges' and others under new heads. A revised form of Statement No X was accordingly circulated for the opinion of Local Governments and Administrations. The proposed classification was based on the following principles which have been accepted by the Government of India firstly that each item should be classified according to its main purpose and, secondly, that ordinary current expenses should be shown separately from extraordinary expenditure on plant, tools dead or live stock, which remain in use for long periods and are purchased at long intervals. It was suggested that extraordinary expenditure on plant, tools and stock should be defined as expenditure upon such articles as might be expected to last with fair wear and tear for three years and upwards and upon live stock an exception being made to this rule (for reasons of account) in the case of office furniture, which should be included under Contingencies. A schedule was attached to the new form indicating items of charges which should be included under each head.

2 After having carefully considered the replies of Local Governments and Administrations to the circular of the 6th January last the Government of India have decided that the following amendments should be made in the form of Statement X which was circulated with that letter —

- (1) Column 4 A ('Cost of establishment') should be subdivided to show (a) cost of permanent establishment, (b) cost of temporary establishment, and (c) total cost.
- (2) A separate sub-head (B) should be introduced under column 6 ("Hospital charges") to show the cost of extra

or special diet, &c, ordered for prisoners who are in weak health, but who are not in hospital

- (3) A new sub head "C—Extraordinary charges" should be opened in column 8 ("Sanitation charges") to show the cost of cholera camps and other measures taken in emergencies

3 In the Home Department circular of the 6th January 1st, it was observed that the items of charges included in the schedule explanatory of the revised Statement A are not exhaustive and the Government of India would add, with reference to some of the suggestions made that they do not intend that the classification carried out on the principles mentioned in paragraph 1 above should be minute and elaborate beyond any useful measure. Their object is to endeavour to reduce to a minimum the chance of such an inaccuracy as would have a serious effect in reviewing and comparing the financial administration of different jails. They approve, however, the following modifications in the classification in the schedule which have been suggested by Local Governments and Administrations —

- (1) The cost of metal pots and plates and of wooden platters as well as the purchase of paddy mills and similar articles may be included in column 5 B ('Miscellaneous dieting charges') if they are not likely to last for three years, but if they are the cost should be included in column 13 B ('Dietary dead stock')
- (2) The cost of extra guards (i.e., those not deputed from the ordinary establishment) employed with cholera camps should be included in column 8-C ('Sanitation—Extraordinary charges'), and not in column 4 ('Establishment')
- (3) The cost of medicines supplied by the Medical Store Department or of Rum procured for the sick from the Commissariat Department should be included under column 6 C (Medicines, Hospital bedding &c)
- (4) Water rates and lighting and conservancy taxes may be removed from columns 8 and 10 and included under column 12 A ('Rents rates and taxes') if no service is rendered and the payments are simply made as taxation the water supply &c, being otherwise arranged for
- (5) Expenses in connection with water analysis should also be entered in column 8 B ('Charges for water supply')
- (6) The words in parenthesis ('if paid by the Jail Department') should be transposed so as to come immediately after the words "such items" in the entry under 'Miscellaneous services and supplies—F—Execution charges' in the schedule. It appears that in some Prisons the debit of execution charges is made against

the Judicial Department and in others against the Jail Department. The question of obtaining uniformity by causing the debit to be everywhere against the Jail Department is under consideration.

- (7) With reference to the items entered in the schedule against 13 A ("Extraordinary charges—Conservancy and water supply, dead stock"), it appears that in some Provinces iron blanket boilers, water pumps, pipes and reservoirs are provided by the Public Works Department. In those cases where Public Works Department workshops supply these articles the Jail Department should be debited and the Public Works Department credited with their value. All expenditure on Buildings is recorded in the accounts of the Public Works Department, and should be excluded from the accounts of the Jail Department.

4. In Statement No. XI (Financial) the only change required will be the modification of the major heads so that they shall agree with those in the new Statement No. X. For three years, however, it will probably be only possible partially to fill up the columns in this statement.

The revised classification should, if possible, be brought into force on the 1st January 1893, so that the revised Statement X may be used in all Provinces in preparing the Jail Report for 1893.

5. Statement No. VII (Judicial), showing the education of convicts in Jail, having been abolished under the orders contained in paragraph 25 of the Home Department Resolution No. ^{10 Jails} 610 23, dated the 9th November 1892, the numbering of all the succeeding statements should be altered accordingly. The two statements which are to be amended under the orders herein contained will, therefore, be appended to future Jail Reports as Nos. 1A and 2A. Copies of the statements in the form finally approved are annexed to this Resolution.

ORDER.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations for information and guidance, and to the Department of Finance and Commerce for information.

*Schedule showing items of Jail Expenditure classified according
to the classification adopted in the revised Financial
Statement No IX*

Main heads adopted by the Financial Department	Sub heads required for administrative purposes	Classification of items.
Establishment		<p>Calls for no remarks</p> <p>A—Rations</p> <p>This sub head should include cost of provisions and fuel</p> <p>B—Miscellaneous dietary charges</p> <p>This sub head should include ordinary recurring expenditure on such items as earthen pots and plates, leaves for plates, jars for pickle, sacks for grain, sifters, <i>lucias alips</i>, grain baskets, tinning cooking utensils, repairing grindstones or any culinary</p> <p>cost of metal pots and plates and wooden platters, and paddy mills and dhenu—il these articles are not likely to last for three years, but if they are, the cost should be included in column 13 li (Dietary lead stock')</p>
Dietary Charges	C—Garden or agricultural expenses	<p>This sub head should include ordinary, recurring expenditure on such items as seeds, manure, country ploughs, <i>mala</i> and ropes for irrigation, garden baskets or lamboos or cane for making them <i>tolus</i> or sun hats, nets for fruit trees <i>kudhis</i> or "phaoras" (hoes), and <i>dhus</i> or knives not likely to last three years.</p>
	D—Proportion of dairy expenses	<p>The working expenses of the dairy should be divided between this head and hospital charges in the proportion in which the produce of the dairy is used for the general feeding of the prisoners or for the sick and infirm. Such items as fodder, straw, medicines, fuel, ripe lamboos, attendants (il not in the regular establishment), should be included here, but not expenditure for horse, stock, plant or appliances likely to last for three years or upwards.</p>

Main heads adopted by the Financial Department	Sub heads required for administrative purposes.	Classification of items
Hospital Charges	A—Sick diet and extras for patients.	This sub head is for food and fuel only.
	B—Cost of extra or special diet, etc., for prisoners who are in weak health, but who are not in hospital.	No remarks
	C—Medicines and hospital equipment	This sub head will show the cost of medicines whether purchased locally or supplied by the Medical Store Department also of rum procured for the sick from the Commissariat Department. Hospital equipment will include such articles as hospital pillows bedding and clothing splints, hospital bed pans and urinals (if not
	D—Proportion of dairy expenses.	of See above— Dieting Charges (D)
Clothing and Bedding of Prisoners.		Not only the cost of new clothing and bedding but all charges for repairs (needles thread cloth, etc.) should be included under this head. The cost of new bedsteads (wood or iron) should be included under Extraordinary expenditure, Miscellaneous, column 13 J
Sanitation Charges	A—Conservancy, washing and purifying	Under this sub head should be included all Municipal charges for special conservancy work done expenditure for brooms tar or pitch, privy and dry earth baskets or bamboos for making such baskets rope for <i>mehlara</i> or jute for making it <i>luddals</i> or bees for conservancy, soap or <i>sappi matti</i> for washing prisoners clothes, shell lime for white washing (if not treated as a Public Works charge), earthen pots and vessels for conservancy, repairing conservancy utensils carts etc., cartage of river mud for mud washing disinfectants, sulphur for fumigation, and other conservancy items not coming under the definition of 'Extraordinary expenditure'.

Main heads adopted by the Financial Department	Sub heads required for administrative purposes.	Classification of Items.
Sanitation Charges—concluded	B—Charges for water supply	Water tax or rate paid to a Municipality will be an exception to the rule that Municipal taxes shall be included under the head of Contingencies. It should be included here (unless no service is rendered for it). Likewise such charges as ropes for drawing water for service of the pul, <i>mashals</i> mōls and other appliances for this purpose, glasses for examination of water, and expenses in connection with water analysis, repairs of pumps, pipes, reservoirs or tanks, water
	C—Extraordinary charges.	This sub-head of cholera taken health clubs and medical expenses incurred in treatment of cholera will not vary
Charges for maintaining Prisoners	A—Charges for maintenance of prisoners	Charges for maintenance of prisoners
	B—Charges for maintenance of prisoners	Charges for maintenance of prisoners

Charges to be included by the Financial Department	Charges to be excluded by the Financial Department	Classification of charges
Charges for cost of prisoners' food		prisoners' food, cost of prisoner's shoes and clothing, replacement of the same, cost of clothing, blankets, bedding, for any kind of food and clothing not given with the prisoners will come under this heading
	B—Expenses	The head should include such items as gratuities, provided the sum is fixed (this rate will also be an estimate of the cost); the "Prisoners' rates" shall be charged to expenditures of the prisoners are under "Prisoners' rates", because of other items of work, amount of labor charges, remaining for the labor, etc., all prison "Prisoners' charges" are to be excluded
	B—Prisoners' charges	This head should include such items as materials for repairing work, ropes, and other things, which are for the use of the prisoners, such as the coal, rock, etc., leather or canvas for garters, cases for shaving, etc., but for materials of the, etc., comb for female shaving or hair-cutting charges, repairing locks and keys. "Extraordinary charges" excluded
Miscellaneous Services and Supplies	C—Uniform equipment of warders	and This head should include such items as uniform shoes, great coats, umbrellas for warders, ammunition (when paid for) repairs to arms, accoutrements or uniform, oil for arms. "Extraordinary charges" for new arms, accoutrements, arm racks, etc. are to be excluded
	D—Money payments as reward for recapture and service	This head should include such items as rewards for recapturing prisoners, gratuities to prisoners for good conduct or extra work, allowances to convict warders, allowances to recaptured inmates, rewards for meritorious service
	E—Execution charges	This head should include such items (if paid by the Jail Department) as the cost of temporary jails, execution ropes, esp., pay of executioner and of the, cremation or burial. Expenditure for permanent plant should be included under "Extraordinary charges" Miscellaneous, column 13 (1)

Main heads adopted by the Financial Department	Sub heads required for administrative purposes.	Classification of items
Miscellaneous Services and Supplies <i>—concluded</i>	F—Other miscellaneous services and supplies.	This head should include such items as oil for unction for females, aged and infirm, coolie hire, carriage and freight, packing, umbrellas for convict overcoats, books, pamphlets and slates for education brass wire, wire netting (unless required for the garden), dyes, camphor, "rough on rats" packing charges, paint and paint brushes, linseed oil saws, enamel, solder, "gurgas," burial charges, purdahs for ward windows, mats for closing windows or for prisoners to sit upon, bamboos for making these, chalk, glue, fodder, straw and medicines for draught cattle, shoeing of bullocks. "Extraordinary charges" should be excluded.
Travelling Allowances.		This sub head should include travelling allowances of non gazetted officers not allowances paid to gazetted officers.
Contingencies	A—Rent, Rates and Taxes.	Water rates and gas rates are to be <i>excluded</i> the former will be included in column 8 (B), and the latter in column 10 (A)
		Water rates and lighting and conservancy taxes may, however, be included under this head, if no service is rendered, and the payments are simply made as taxation the water supply, etc., being otherwise arranged for
	B—Service age	Post To include cost of postage stamps and postage on unpaid covers.
	C—Telegraph and Telephone	and char To include cost of telegrams and rent of telephone lines
	D—Current expenses	office To include country stationery, book binding, garry hire of officers (if allowed), dusters matches, oil for
	E—Office furniture	furn To include cost of almirahs, racks shelves tables, desks chairs, stools, mats floor matting doris or carpets, purdahs, iron safes, punkhas and
	F—Registers and Stationery	To include Stationery Department charges and all printing charges

be shown separately

Main heads adopted by the Financial Department.	Sub heads required for administrative purposes.	Classification of items.
Extraordinary charges for Livestock, Tools and Plant	A.—Conservancy and water supply, dead stock	<p>This sub head should include such items as Donaldson's ejectors, iron urine tubs, conservancy pans, etc., iron blanket boilers,* water pumps,* pipes* or reservoirs* water-carts, iron water tanks or drums, iron or brass taps, iron or wooden buckets, hot water apparatus (if of a lasting kind and for boiling drinking water)</p> <p>* NOTE.—Where these articles are supplied by Public Works Department Workshops, the Jail Department should be debited and the Public Works Department credited with their value. (Expenditure on buildings, however, is recorded in the accounts of the Public Works Department, and should be excluded from the accounts of the Jail Department.)</p>
	B.—Dietary stock	To include cooking ranges or "Donaldson's Chulas," grain carts, wheat mills, scales and weights for grain godowns or cools, if of metal, iron or copper cooking utensils, ovens, if of iron or other lasting material, iron or brass cups or plates, axes and the like
	C.—Hospital stock	To include cost of iron beds, covered iron pans, iron urinals or metal bed pans, excreta deodorators and similar lasting appliances
	D.—Garden and agricultural plant	To include iron ploughs, fencing pumps for irrigation wells (if not treated as a Public Works charge), or other lasting plant.
	E.—Lighting stock	Here should be shown the cost of laying down gas pipes or of new kerosene or other lamps of a substantial kind likely to last for three years or upwards, iron oil tanks and such like lasting plant.
	F.—Disciplinary stock.	To include the cost of weighing machines or scales for weighing prisoners, measuring rods or instruments for anthropometry, iron for fetters and wrist rings, blacksmiths implements for making fetters, etc. (if likely to last three years) new locks, handcuffs, removable fetters, flowing triangles, handcuffs, saws or razors (if lasts for three years and upwards) steel dows and tapes for numbering rock tablets and similar last-mentioned stock.

Main heads adopted by the Financial Department	Sub heads required for administrative purposes	Classification of items
Extraordinary charges for Livestock, Tools and Plant —concluded	G—Arms and Accoutrements	To include original cost of arms (if charged for), belts, badges, pouches and bayonet scabbards, batons, arm racks, snap caps alarm rattles etc
	H—Dairy live stock and plant	To include cost of cows cream separators, iron or metal milk pails or receptacles, lactometers, metal or wooden churns, cow sheds (if they are not buildings erected by the
	I—Draught Cattle	To include the cost of bullocks, horses, ponies, and sheds for sheltering them (if not charged to Public Works) Maintenance charges to be included under 'Miscellaneous services' (F)
	J—Other Mis- cellaneous dead stock not coming under the above heads	To include iron cots or beds (except when intended for the hospital), permanent gubbets ladders, and other stock which cannot be classified under above heads.

Jails

Classification of charges under the head of "Contingencies" in the Jail Department

No 5071

JUDICIAL DEPARTMENT

Bombay Castle, 22nd July 1895

Memorandum from the Government of India, Home Department, No 269, dated the 5th July 1895—Forwarding for information and the necessary action copy of the following letter No 5 JAILS—267 276, dated the 5th July 1895, addressed by the Government of India to the Government of the North Western Provinces and Oudh —

"In reply to your letter No 1589 dated the 11th June 1895, enquiring whether there is not a misprint in the remarks recorded against the heading 'Charges for moving prisoners A—Transfer charges and road subsistence for convicts and under trial prisoners in the Schedule forwarded with the Resolution recorded in this Department No 10 JAILS—668 679 dated the 13th December 1894, relative to the amendment of Statements X and XI appended to the Annual Jail Report. I am directed to say that in the eighth line of the entry (on page 2 of the Schedule), the word 'regards' is a misprint for the word 'rewards' which was correctly given in the corresponding passage in the Schedule attached to the Circular from this Department No 1 JAILS—7 16, dated the 6th January 1894

' 2 I am to request that the copies of the Schedule forwarded with the Resolution which have been received by you may be corrected accordingly '

RESOLUTION—Copy of the Government of India's letter should be forwarded to the Inspector General of Prisons with a request that he will make the necessary correction in the copies forwarded to him with Government Resolution No 8643, dated the 28th December 1894

2 Copies should also be sent to the Accountant General and the Financial Department

Main heads adopted by the Financial Department	Sub heads required for administrative purposes	Classification of items.
Extraordinary charges for Livestock, Tools and Plant —concluded	G—Arms and Accoutrements	To include original cost of arms (if charged for), belts, badges, pouches and bayonet scabbards, batons, arm racks, snap caps, alarm rattles, etc
	H—Dairy live- stock and plant	To include cost of cows, cream separators, iron or metal milk pails or receptacles lactometers metal or wooden churns, cow sheds (if they are not buildings erected by the Public Works Department), and other lasting plant Maintenance charges to be included under "Dietary charges" (D) and "Hospital" (D)
	I—Draught Cattle	To include the cost of bullocks, horses, ..
	J—Other Mis- cellaneous dead stock not coming under the above heads	To include iron cots or beds (except when intended for the hospital), permanent gibbets, ladders, and other stock which cannot be classified under above heads.

Jails

Classification of charges under the
head of "Contingencies", in
the Jail Department

No 5671.

JUDICIAL DEPARTMENT.

Bombay Castle, 22nd July 1895

Memorandum from the Government of India, Home Department,
No 269, dated the 5th July 1895—Forwarding, for information and the necessary action, copy of the following letter
No 5 JAILS—267-276, dated the 5th July 1895, addressed
by the Government of India to the Government of the North-
Western Provinces and Oudh—

"In reply to your letter No 1789, dated the 11th
June 1895, enquiring whether there is not a misprint in
the remarks recorded against the heading 'Charges for
moving prisoners' A—Transfer charges and road sub-
sistence for convicts and under trial prisoners' in the
Schedule forwarded with the Resolution recorded in this
Department No 10 JAILS—668-679, dated the 13th De-
cember 1891, relative to the amendment of Statements
X and XI appended to the Annual Jail Report* I am
directed to say that, in the eighth line of the entry (on
page 2 of the Schedule), the word 'regards,' is a misprint
for the word 'rewards,' which was correctly given in
the corresponding passage in the Schedule attached to
the Circular from this Department, No 1 JAILS—7-16,
dated the 6th January 1891

"2 I am to request that the copies of the Schedule
forwarded with the Resolution which have been received
by you may be corrected accordingly "

RESOLUTION—Copy of the Government of India's letter
should be forwarded to the Inspector General of Prisons with a
request that he will make the necessary correction in the copies
forwarded to him with Government Resolution No 8613, dated
the 28th December 1891

2 Copies should also be sent to the Accountant General and
the Financial Department

Jails

Relative to the debit of charges for housing convicts employed in Extramural Gangs and charges on account of stationery and the maintenance of prisoners belonging to Native States

No 2403 of 1896

JUDICIAL DEPARTMENT

Bombay Castle, 31st March 1896

Letter from the Secretary to the Government of India, Home Department (Jails), No 1—11, dated the 7th January 1895

Memorandum from the Inspector General of Prisons, No 934, dated the 19th February 1895

Letter to the Secretary to the Government of India, Home Department, No 1456, dated the 2nd March 1895, as follows —

“ I am directed to acknowledge the receipt of your letter No 1—11, dated the 7th of January 1895, enquiring (1) whether the Governor of Bombay in Council sees any reason why all charges on account of executions should not be met by the Jail Department and included in the Jail accounts in column 10-E of Statement No X (or Statement No IX as it will be in future), and (2) what the practice is in this Presidency in regard to the debit of charges for dieting prisoners in lock ups, *hujals* or *karalats* or in custody in Magistrates' camps, and those for conveyance of under trial prisoners, and what plan for the future is recommended by the Government of Bombay, having regard to the fact that the Jail Statement No X (IX) is intended to include expenditure on prisoners confined in subsidiary jails

“ 2 In reply I am to state, as regards (1), that the Governor in Council is of opinion that all charges, including burial expenses, in connection with executions, should be borne by the Jail Department. As regards (2), the practice in this Presidency is to show such expenditure (although it is not in any way under the control of Jail officers) at the foot of Statement No IX (new). The suggestion made that expenditure of this nature should be shown in Statement No XVIII (new) does not commend itself to the Governor in Council, as this Statement

deals entirely with under trial prisoners, while lock up charges are incurred on account not only of under trial prisoners but also in many cases of convicted prisoners. The Governor in Council would therefore recommend, if such charges are to be shown, that the existing practice in this Presidency of showing them at the foot of Statement No IX (new) may be allowed to continue.

"3 In connection with the subject of your inquiry I am to invite the attention of the Government of India to paragraphs 3 and 4 of Mr Lee Warner's letter No 4245, dated the 19th June 1894 in which it was pointed out that no adjustment is at present made in the Jail Books on account of stationery supplied by the Stationery Department, and that no credit is given in the Annual Jail Report for expenses incurred in connection with the maintenance of prisoners belonging to Native States.

"4 In conclusion I am to inquire whether, in view of the introduction of Act IX of 1894, the Department hitherto known as the 'Jail Department' should not be called the 'Prison Department'.

Memorandum to the Public Works Department No 2324, dated the 8th April 1895—

Forwarding, for consideration, the following extract paragraph 3 from the above memorandum from the Inspector General of Prisons No 934 dated the 19th February 1895 —

"3 A large expenditure is occasionally incurred in providing temporary barracks for housing convicts employed in extramural gangs. The major portion of such expenditure has hitherto been met from the earnings of the convicts and has therefore not appeared in any of the statements attached to the Annual Report and in a few instances the cost of such shelter has been debited to 'Jail manufactures Extramural'. As the classification of jail expenditure is now under consideration the Inspector General of Prisons would respectfully inquire how this charge should in future be classed. If such gangs were not in existence the prisons and jails of this Department would not be able without serious overcrowding to accommodate the prison population of this presidency. It therefore appears that the charge referred to is one that should legitimately be borne by the Public Works Department, and that it should appear only in column 21 of the Statement, Appendix A of the annual tabular Statements."

Memorandum from the Public Works Department, No 738 A, dated the 16th May 1895—

Transferring, with reference to this Department No 2324, dated 8th April 1895, a report No A-319, dated the 30th April 1895 from the Examiner, Public Works Accounts, who states that he does not think that any case has been made out for charging the Public Works Department with the cost of providing shelter for convicts employed on public works, and that considering that the Civil Department is given credit for the full market value of the labour of the prisoners, it appears but reasonable that the cost of housing them should be borne by the same Department as hitherto, in accordance with the orders contained in Government Resolutions No 293, dated the 30th April 1878, No 1296, dated the 21st August 1883, No 637, dated the 2nd April 1889, and No 2009, dated the 30th November 1891. The Public Works Department expresses it as its opinion that the cost of providing the shelter in question should be always met from the earnings of the extramural gang on account of which the expenditure has to be incurred.

Memorandum from the Inspector General of Prisons, No 4166, dated the 3rd August 1895—

Reporting, with reference to Government Memorandum No 3785, dated the 8th June 1895, that convicts belonging to extramural gangs are not always employed by the Public Works Department and that in prisons where the cost of the buildings is borne by the Public Works Department credit is taken in the accounts of the Prison Department for the full market value of the labour of the convicts employed in manufacturing articles for the Public Works or any other Government Department. Observing that if extramural gangs were not in existence it would be necessary to provide more prisons to accommodate the prisoners who are now transferred to extramural gangs and that in such a case the Public Works Department would be looked to provide the funds. Adding that a reference was made to the Inspector General of Prisons, Punjab, with a view to ascertain the procedure prevailing in that Province, and forwarding a copy of the reply to that reference.

Letter from the Chief Secretary to the Government of Madras, No 2211, Judicial, dated the 1st November 1895

Letter from the Under Secretary to the Government of Bengal, Political Department (Jails), No 802 P D, dated the 9th November 1895

Letter from the Secretary to the Government of India, Home Department (Jails), No 89, dated the 11th February 1896, as follows —

"With reference to the correspondence ending with your letter No 1456 of the 2nd March 1895, I am directed to state that the Government of India have dealt with the question of the debit to the Jail Department of 'Execution charges' and of the proper debit of the cost of dieting prisoners in lock ups, *hajats* or *hatalats*, &c, in the Resolution of this Department, No ^{2-Jails}~~27-88~~, dated 11th February, a copy of which has been forwarded separately for the information of His Excellency the Governor in Council

"2 I am now directed to reply regarding certain other points to which reference was made in your letter above quoted —

(i) It is pointed out that no adjustment is at present made in the Jail Books on account of stationery supplied by the Stationery Department. It will be seen from Statement IX and the explanatory schedule attached to Home Department Resolution No ^{10-Jails}~~608-6~~, of the 13th December 1894, that such expenditure should be shown in column 12 F of the Statement. I am to say that the Stationery Department will now be directed to furnish annual accounts of these charges to the Inspector General of Jails Bombay

(ii) It is also represented that no credit is given in the Annual Jail Report for the recovery of expenses incurred in connection with the maintenance of prisoners belonging to Native States. Such expenditure should, in the opinion of the Governor General in Council be included in the Jail returns without any *per contra* credit on the receipt side. Since the returns are designed to show the total amount of prison expenditure and compare the total number of prisoners with the total amount of expenditure, misunderstanding would be likely to result if credit were to be given for recoveries made on account of some of the prisoners. There is however, no objection to mentioning in the body of the report what the prisoners belonging to Native States cost and similarly any recoveries made from Native States on this account might be mentioned in the text, but it would, in the opinion of the Government of India, be better that they should not be included anywhere in the returns

(iii) Lastly, as regards the enquiry made in paragraph 4 of your letter, whether in view of the introduction of Act IX of 1894 (the Prisons Act), the Department hitherto known as the 'Jail Department' should not be called the 'Prison Department'. I am to say that the

64 Do not let a prisoner communicate with another prisoner save as permitted by rules

65 Make your file march two and two, do not allow any prisoner to straggle

66 See that prisoners parade and bathe according to order and silently

67 See that prisoners' clothing, bedding, rings, fetters body tickets, pots and plates are clean

68 See that prisoners' bedding is aired by opening out and exposing to the sun

69 See that every prisoner has his clothing, bedding, pot and plate, and body ticket

70 See that the prisoners in your charge get their proper *allowance of food*

71 See no food is secreted or stolen, or taken into barracks

72 Report any tampering with weights and food

73 Never change a prisoners labour without orders

74 Never take a prisoner from a cell without orders

75 Never put a prisoner in a cell without orders unless he is violent and then report the fact at once

76 Never change a prisoner's barrack without orders

77 Never allow a prisoner to be absent at meal times or parades

78 Report at once if a prisoner is missing

79 Count and search prisoners carefully at lock up

80 Count prisoners carefully at unlocking

81 Count prisoners in file, standing or sitting

82 Never count a prisoner lying down if there is not a Convict Officer responsible within the same barrack Prisoners in Hospital cells who are seriously ill may be counted lying down

83 See that Convict Officers count prisoners properly and check their count

84 When counting prisoners in cells make sure the prisoner is present and not a dummy under a blanket

85 Examine locks carefully and test them with the hand

86 On taking over charge count prisoners and examine locks and fastenings

Tools, etc

87 Never leave tools hatchets hammers etc, lying about

88 Never leave ropes, ladders poles planks or bamboos lying about

89 Do not let rubbish lie about

90 Report all injury to Prison clothing or property

- 91 Count tools at distribution
- 92 Count and lock up tools at close of work
- 93 Before closing a work shed, see that no tools, bamboos, ropes, ladders or anything likely to facilitate escape, can be reached from the window

Extra mural

- 94 Count prisoners handed over to you and report total to distributing officer
- 95 Count and search prisoners on taking over charge of a file
- 96 Know the number of prisoners in your charge
- 97 Count your file every hour, and see the prisoners have their tools in their hands
- 98 Report at once any prisoner missing
- 99 Never divide your file
- 100 At work put the Convict Officers to supervise the work and to stand amongst and close to prisoners
- 101 The Warders form a cordon outside
- 102 No prisoner is on any pretext allowed outside this cordon
- 103 No outsider is on any account to be allowed within the cordon
- 104 Fix a place for latrine within the cordon. For garden files also there should be a fixed latrine
- 105 A Convict Overseer to accompany any prisoner going to latrine
- 106 Prisoners on extra mural work should be as regularly paraded for latrines as prisoners inside the Jail
- 107 The site for latrine having been fixed no prisoner is to go elsewhere for urination or defecation
- 108 If on the march halt the file fall out the prisoner a distance of two yards with a Warden or Convict Overseer in charge
- 109 If a prisoner falls ill the whole party (ten or less) march back to Prison. On extra mural gangs special orders govern these cases. The above is a safe general rule every section of ten being complete as to guard
- 110 Examine fetters at least twice daily
- 111 When a prisoner escapes send a Warden or Warders after him if available march the rest of the prisoners back to the Prison and report. Short term Convict Officers may go with Warden or Warders
- 112 Never send a prisoner to catch a prisoner
- 113 If there is no system of relief Wardens each file may be taken as follows
 - (1) Small file. Half small file prisoners at work. Convict Overseer posted on guard. Warden each file takes file

- (2) *Large file* —Every alternate Warder can have his meal after informing the Warder in charge of gang or the Senior Patrol Warder Warders to eat facing the gang
- (3) A Convict Warder can take the post of the Paid Warder whilst he is eating

114 Never allow a prisoner, who is in your charge, out of sight

APPENDIX II.

DAIRY CATTLE AND GARDENING

MANAGEMENT OF DAIRY CATTLE

The constitutions of milch kine at time of parturition are delicate. Indian cows and buffaloes although in a sense harder than other milch breeds are no exception to the general rule. Special care should at this time be exercised in providing suitable food and other comforts. If a cow or buffalo gives birth either during the monsoon or in the cold season the animal must be protected from inclemency of weather. Experienced breeders will provide comfortable shelter during the wet days of the rainy season or the chill nights of the cold weather. A cool shady place will also be found for a newly calved cow in the hot season. A recently calved cow should not be turned out to pasture, in the blazing sun and high day temperature of March, April and May. This practice must be deprecated even in the cooler parts of India. During the time a pregnant milch animal is 'dry,' which unfortunately (especially as regards the buffalo) is rather a lengthy period the cow should be kept in good but not high condition. A good pasture well supplied with pure drinking water and shady trees will ordinarily maintain in calf cows in good condition. But when the natural pasturage fails supplementary food of nutritive quality must be given. A full yield of milk during the next period of lactation need not be expected if the precaution referred to has been neglected. Beyond this a fairly liberal allowance of concentrated food must be allowed for at least six weeks just before calving. There is a very great variety of foods suitable and available for Indian milch cows. In the Deccan, *kadbi* (i.e. *joicari* Sorghum vulgare, straw) or hay of fair nutritive value are the usual dry fodders whilst various oil cakes, cotton seed *dal* (*Cajanus indicus*) husk (*chuni*) and wheat bran are the more common concentrated foods. Sesamum cake is perhaps the best procurable oil cake. *Aharasni* oringer seed cake, though rather objectionable in appearance is considered a safe and nutritive food. Safflower or *kusumbi* cake, although rather indigestible owing to the presence of a considerable percentage of fibrous husk, has an advantage over other cakes in that it can be bought at a season when it is cheap and thereafter safely stored. It neither moulds nor turns rancid on keeping. Cattle have to get accustomed to it, however, before they eat it greedily. Four to 6 lbs per day of equal weights of oil cake and bran, in addition to a fair allowance of dry fodder for the six weeks before calving, will keep a dry buffalo thriving. Less will suffice for a cow. A fortnight before calving, the quantity of concentrated food may, with advantage, be increased to 8 lbs per day. The object is to supply character which will also improve expected soon after parturition. If in good condition, a full yield of milk forced by extra feeding will not debilitate the animal as

Treatment
of milch
cattle

Rations for
milch cattle
before and
immediately
after parturi-
tion

Food of
milch cattle.

would be the case if lean, when due to calve. For a week after calving, the feeding of the cow should receive close attention. The food should be of a laxative character and should not be too rich. Cotton-seed, oil-cake and *chuni* (husk of *Cajanus indicus*) should be at this time eschewed. There is no better food for a newly-calved buffalo cow than a mash consisting of boiled *bājri* (*Pennisetum typhoideum*) to which has been added an equivalent weight of bran whilst the cooked *bājri* was still hot. Five pounds each of *bājri* and bran will, with the ordinary allowance of dry fodder, provide sufficient ration for a day. Two oz. of salt added to the mash will make it all the more palatable. Good fresh green hay is at this time preferable to *kadda* (*jouari*, *Sorghum vulgare*, straw) and if a limited allowance of green fodder, say 15 lbs. per day, can be given, the ration will be improved. Thus the ration for a day of a newly calved buffalo would consist of—

8 to 12 lbs. of good hay.

15 lbs. of green grass or other green fodder.

5 lbs. bran.

5 lbs. *bājri* (*Pennisetum typhoideum*) } as a hot mash.

2 oz. salt

A cow should receive about $\frac{2}{3}$ of this ration.

Immediately after calving, a hot drink made up of a thin gruel or *kāñji* of ground *bājri* and bran with a good handful of salt tends to cause the after-birth to come away quickly.

In Europe, deep milking cows are liable to milk fever which is most prevalent among heavy milking cows producing their 2nd or 3rd calf. As a preventive, should there be any risk of milk fever, the cow is drenched with linseed oil and epsom salts repeatedly during the week before calving. The practice, which does not seem to be necessary with Indian cattle, simply because they are generally poor milkers, is . . . keeps the bowels open and . . . Under the most favourable . . . will not yield the full quantity of milk for a week or 10 days after giving birth. . . . be given . . .

I do not think, however, that any quantity beyond 10 lbs. of concentrated food will increase the milk yield appreciably. A moderate sized buffalo giving over 30 lbs. of milk per day (a quantity sufficient to make 3 lbs. of butter) need not get a larger ration. Any extra quantity of food would be wasted. A large framed Jafferabad buffalo requires a larger ration than the smaller sized Surat buffalo, and moreover the former in the Deccan are less profitable, because they require a greater quantity of concentrated food and fodder to produce a given quantity of milk. Similarly a Gir cow, because usually of large size, requires to be more liberally fed than the smaller sized Aden. The latter I have found to be an

equal yield of milk to larger breeds on much less food. It is clear that no hard and fast lines can be laid down regarding the feeding of cows and buffaloes in milk. An experienced stock owner will very soon determine the quantity of food that can advantageously be given to any one of his cows or buffaloes. With good management either a good cow or a good buffalo will, in India, milk up to the full capacity for four or five months after calving, and during this period there should be little or no change in the daily ration. A milch animal has a palate, however, and occasional variety in the food is often desirable. If milk cows are fed from month to month with precisely the same food they sooner or later may reject it altogether or eat it with less greed and relish. An occasional change in the ration is, therefore, expedient. For this purpose *dal* (*Cajanus indicus*) husk (*chun*), if not regularly given, can with advantage be substituted twice a week for part of the other food and occasionally crushed linseed $\frac{1}{4}$ lb. per animal per day may be similarly given. Occasional variation in ration recommended

A milk register will, if carefully kept, show at once when the milk yield begins to diminish. A daily record of the milk yield of each animal furnishes useful data. A glance at the figures will show when there has been any irregularity or disturbing cause to react on the milk yield. Moreover, if carefully kept, it is a true guide as to the value of different animals. One cow may milk well to begin with but the yield rapidly diminish. Another cow may yield steadily for a long time and be much the more valuable and profitable animal of the two, although producing at no time an abnormally high yield. The milk register will also indicate whether the management of the cows has been good and moreover furnish data which will enable the farmer to discard one cow whilst he retains another because the latter has been proved to be the more profitable. The milk register

When the period of lactation has somewhat advanced and there is evidence of a lessening milk yield the ration should also be diminished. It may be necessary to change the food at least once a month. The change will be regulated to some extent by the size and condition of the animal but the main consideration is how much milk did the cow give during the previous month. An average buffalo giving 18 lbs. of milk per day and suckling her calf should have the ration noted below. I have found it both good and liberal —

Dry fodder	15 to 20 lb.
Cotton seed	4 lbs.
Bran	4 lbs.
Oil cake	3 lbs.
<i>Chun</i> (husk of <i>Cajanus indicus</i>)	3 lbs.
Salt	2 oz.

The cotton seed *chun* (husk of *Cajanus indicus*) and bran with salt added should be moistened. The oil-cake broken into pieces, at most an inch in diameter, may be placed at the top of the moistened mass but not mixed through it. The concentrated food should be given in two meals and at milking time. Thus:

When green fodder is given in a fair quantity cotton seed and *chins* (husk of *Cyperus indicus*) can be fed to any reasonable extent. If otherwise the allowance of each should not exceed 4 lbs. per day. Lucerne is not a good fodder for milk cattle in any quantity beyond 10 lbs. per day. *Jowar* (*Sorghum vulgare*) should be well in flower before it is cut as green fodder otherwise like lucerne it has a tendency to cause tympanites.

It is quite possible to overdo the feeding of milk cattle. A cow in milk should not be in high condition. An animal in very high condition will give very little milk and this probably accounts for a common practice with *golis* (milkmen) viz., to give a less quantity of food to fat animals so that the milk yield may increase.

Indian cows and buffaloes are so excitable and irritable that a very trivial circumstance often affects the milk yield. Its secretion is influenced to a very great extent by good management. If the calf dies the milk yield may be diminished permanently. There is an Indian proverb the English rendering of which is 'soil without manure is like a cow without her calf'. Any sudden change in the food, a short journey by road or rail, a strange milker, a cold or wet day, any irregularity in feeding and especially any irregularity in milking, at once react on the milk yield. Indian cows and more especially buffaloes get attached often in a striking manner to the man that feeds and milks them, also to the companion animals occupying the adjoining stalls. At pasture they clique together in a curious way and it will be easily understood that any disturbance of these friendly relations will have a distinctly unfavourable effect on milk secretion. Indian cattle are different. They have docile tempers and their milk yield is not easily affected by any irregularity. Moreover their calves can be weaned and hand fed whilst it is imperative that the calves of every Indian breed should suckle. At any rate such is the case unless the practice is begun when the cow has her first calf. The maternal instincts are very strong and neither cows nor buffaloes will yield their milk unless the calf is suckling or is tied close by. When the calf dies it is common to stuff the skin and make a dummy calf which answers the purpose admirably. Where milk is dear it does not pay to rear calves especially bull buffalo calves and in many instances buffalo calves are quietly knocked on the head and the dummy substituted. The calf should suckle or be raised by its mother until it is licked dry and cle on the cow as well as on the calf. The viscous slimy matter which covers the calf has a beneficial laxative effect on the cow. When removed from the cow the calf should be kept out of sight and out of hearing.

The most noticeable signs of approaching parturition are —

- (1) Full distention of the udder
- (2) Loosening and enlargement of the external portions of the vagina

perhaps a bad practice which, however, cannot be avoided. Indian buffaloes and cows have been so accustomed to get the food whilst being milked that without it they refuse to let the milk down. The enjoyment of eating doubtless induces a placidity of disposition at the time which permits the *gauli* (milkman) to milk rapidly and extract more milk than he otherwise would, especially from those animals which are unusually irritable and fractious. Two-thirds of the dry fodder should be given at night, the remainder in the forenoon. The cows should be milked at regular stated hours, and there should be no deviation therefrom under any circumstances. 6 A.M. and 5 P.M. are suitable hours. The concentrated food is usually given in two equal meals at these times. The cows should have free access to pure water three times a day. Buffaloes should be bathed or washed at least once a day. During the period that good grazing is available the dry fodder may be reduced to 6 to 8 lbs. given at night and the concentrated food reduced by $\frac{1}{3}$ or if green food is available in reasonable quantity all the year round it may be soiled to stall fed cattle. A large buffalo may be allowed up to 40 lbs. per day of green food and 6 or 8 lbs. of hay in addition together with the concentrated food ration already noted. Usually 15 or 20 lbs. of green fodder per day is all that can be allowed. This quantity may be substituted for 8 or 10 lbs. of hay.

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Drinking water or succulent food given immediately before the animal is milked is believed by the *gaili* (milkman) to increase the yield of milk. The quality necessarily must be lowered in a corresponding degree. A native will when he sells a buffalo guaranteeing a certain milk yield invariably allow the animal to drink freely before proceeding to milk. It is possible that the milk yield may be affected in this way, for succulent food undoubtedly lowers the percentage of total solids in milk by making it more watery. In 1892 at the Poona Government Farm during the hot season 10 lbs buffalo milk on an average yielded a lb of butter, whilst during the following rains when a good deal of the food was succulent the average was 1 lb butter from 12 lbs milk. During 1893 it was found possible to feed during the whole year a limited quantity of green fodder, and the difference previously marked was not so great. The actual figures were:—
the average quantity was 11 lbs 7 oz similarly for June, July and August the average weight was 12 lbs 8 oz

The quality of the milk is in other respects influenced by food. Thus cream from milk of buffaloes largely fed on oil cake will churn into greasy butter even if the temperature of the cream in the churn is lowered artificially to the most favourable point. Cotton seed tends to produce fine firm butter, and the cream can be churned at a comparatively high temperature. The cream from cows fed largely on *chani* (husk of *Casjanus indicus*) gives butter which has a nice flavour and a better colour than usual.

(3) Relaxation of the pelvic ligaments

(4) Restlessness a few hours before calving The cow rises and lies down frequently in her stall and whisks her tail as if in pain

(5) Labour pains and the water bags The membranes of the latter when broken allow a slimy fluid to escape which lubricates the passage and facilitates the expulsion of the calf

The cow, when nearly due to calf, should, when not grazing, occupy a roomy stall in a comfortable part of the byre. The stall should have dry floor and if possible should be littered with dry straw. This obviates the risk of an inflamed udder. If the udder appears swollen and feels hard, the milk should be drawn once a day even before calving.

In normal parturition the calf presents itself in the pelvic passage with the head resting on the forelegs. The cow generally requires no assistance and none should be offered unless labour is protracted. The owner should however satisfy himself early that the presentation of the calf is right. Assistance is sometimes necessary, especially with heifers having their first calf. When given the hands and arm of the operator should be clean and well rubbed with carbolic liniment. Assistance is most effective when the cow lies on her side and the calf's legs pulled slightly downwards towards the hocks of the cow. The operator should only assist each labour pain and should not pull at any other time. The after birth should come away at once or in the course of a few hours.

If labour is protracted owing to a false presentation or from any other cause, or if the after birth is retained, then if the stock owner has no technical knowledge as to treatment, the assistance of the nearest qualified veterinary officer should be obtained without any delay.

The milk of a cow or a buffalo immediately after calving is of a peculiar nature. It is called 'beestings' and its function appears to be to clear the intestines of any accumulated matter which of course should at once be excreted. There is no risk of costiveness provided the calf is allowed to drink a fair quantity of the first milk. Ordinarily in India the calf is starved. It is allowed to suckle until the cow lets the milk down. The moment milk fills the teats the calf is tied up near the head of the mother and all the milk which the gairi (milkman) can extract is taken. The calf is then untied and sucks all it can afterwards. It is impossible that it can get more than 2 lbs per day. It, however, gets the richest part of the milk. All that it usually gets is barely sufficient to support existence. The difference in butter fat between the first and last milk drawn from a buffalo is shown by the following figures, the actual results of a test at the Poona Government Farm —

Percentage of butter fat in the first <i>ser</i> drawn	10
Do do last do	10.1
Average percentage of butter fat in the whole milk of the buffalo	6.24

If reared by hand, Indian calves which are generally small can be kept in fairly thriving condition on 1 lbs of whole milk per day given at two meals. This if continued for 4 or 6 weeks will bring the calf to a time when it can be fed on other food. The whole milk can be replaced by separated milk, but every cow owner cannot procure separated milk and on account of the heat in India there is no such thing as sweet skim milk. The young calf will soon learn to eat little *chuni* (husk of *Cajanus indicus*) and bran, also a little good hay or green grass. A handful of mixed *chuni* and bran (about $1\frac{1}{2}$ lbs per day) in two meals is all that is required at first. The quantity may gradually be increased until, when 8 months old, $1\frac{1}{2}$ lbs per day should be allowed. On the ordinary milk ration of Indian calves, large framed English calves would literally starve. When a calf is raised by hand it has to be taught to drink. Its instinct is to suckle and this is taken advantage of in giving the first lesson. If sufficient time after birth is allowed the calf gets hungry. It will suck one or two fingers of the right hand if introduced into its mouth. If at the same time the head is forced gently into a vessel containing the milk so that the muzzle just reaches the milk, the calf will soon learn to drink. The first milk is drawn into the mouth unconsciously and swallowed in the act of sucking the fingers. The important points to be attended to in rearing hand fed calves are that the milk and food should be clean and fresh and of course given in a clean vessel. Sour milk or milk tainted in any way is apt to produce diarrhoea or scour. Well ventilated and well drained accommodation for calves is necessary. All excreta should be removed at least twice a day. The droppings from calves, fed on mill, soon acquire a most disagreeable smell. Any unsanitary condition tends to cause scour. Overcrowded calves never thrive. They are subject to be attacked by parasitic vermin and skin disease, specially ring worm and itch. A piece of rock salt should be placed so that the calves can lick it. If a hole is bored in the lump and the lump is suspended by a string, none of the salt is wasted. A lump of lime or chalk placed within reach will also be regularly licked. The chalk is beneficial, because it has a tendency to counteract that acidity in the stomach which always accompanies scour.

If proper attention is given to the feeding and management of calves during the first few months of their life and if satisfactory progress has been made in growth during that period, they will continue to thrive often with much less care and with much less food than a young animal which has previously been half starved and this remark is applicable to all animals. If young stock are to make satisfactory progress, even in India, a certain amount of shelter is necessary. The monsoon is decidedly the most trying season. Roomy yards with shelter steading must be provided to be used during excessively heavy rain. Grazing ground gets so soft and so easily puddled that any attempt to turn young stock out to graze would be alike harmful to them and to the pasture. In India the conditions associated with the rearing of young stock are

Rearing
calves.

Management
and feeding
of young
stock

different from those found in other countries. There is in India grazing of a sort all the year round. The grazing is not equally good at all seasons. Usually there is only green grass for 5 or 6 months and the natural food must afterwards be supplemented by other food. The daily ration must be especially liberal at those seasons when the natural food is scarce. Superabundance at one season and semi starvation at another is a fruitful cause of loss. Particular care should be exercised when young grass begins to grow. It flushes up very suddenly in India. The first growth although it is green is not nutritious and being succulent is not well suited as a change from the hard dry fibrous fodder previously given. Most of the cattle which die in India die at this season. The change of feeding is so sudden that impaction of the stomach is induced. The innutritious fibrous food previously given collects in the rumen and becomes impacted whilst the green food passes through the alimentary canal without being properly digested. The first symptom is that the animal scours. Young stock should be prepared before they are turned out to grass. Linseed cake is a useful food at this season on account of its laxative character and its softening effect on other food with which it becomes mixed during the process of digestion but linseed cake is not usually procurable in India. A cake rich in oil and free from fibrous matter for instance sesamum cake should be fed to all young stock for at least a fortnight before they are turned out to grass. 2 or 3 lbs per day along with the usual ration of dry fodder will prevent the serious consequences which would follow a sudden change from dry fodder to green grass.

Indian
and buffaloes
irregular
breeders

Indian cows and buffaloes are at the best irregular breeders. Some breeds are more irregular than others. Gir cows are very unsatisfactory in this respect. On the other hand Aden cattle if well fed will come in season for the bull six weeks or 2 months after calving. Buffaloes are less regular than cows. Green food given in moderate quantity all the year round tends to bring cows and buffaloes sooner into season after calving. This would be the case even although the animals are otherwise well fed. A bull turned out to pasture with the cows periodically say once a week and specially a buffalo bull with buffalo cows tends to bring them into season sooner than would otherwise be the case. The following tabular figures show the average period of lactation and the average time between two successive births of the cow herd and buffalo herd on the Poona Farm in 1897.

Average period of lactation	Average period of lactation	Average period between two successive births
	Days	Days
Wole buffalo herd	364	511
Wole cow herd	360	45
The longer period between births in respect of buffaloes arises partly because buffaloes are longer pregnant than cows		
Period of gestation	Buffaloes are on the average pregnant 315 days	Cows " " "

An old cow will carry a calf 10 days or a fortnight longer than a heifer and a cow bearing twins will usually go 272 to 275 days

The period of heat or *œstrum* in a buffalo is of short duration, *œstrum* usually only a few hours. A buffalo should therefore be put to the bull at once when the symptoms of heat are observed. In the case of a buffalo they are unmistakable. At pasture a buffalo in heat will rush all over the field and bellow or rather grunt vigorously.

A cow remains longer in heat usually about 24 or 30 hours. The cow though also excited does not make so much fuss or noise as the buffalo. The cow is most likely to hold to service if covered when going off heat. Neither cows nor buffaloes should be covered more than twice during the period of heat. A stud bull is a much more certain stock getter if he is as regularly worked as an ordinary work bullock. He must however, be liberally fed. If a cow has been covered and does not hold to service she will if in thriving condition come in season again in 21 days. Buffaloes may come in season every three weeks but often a much longer period elapses between periods of *œstrum*. If a cow is healthy she will not come into heat when pregnant. The other signs of pregnancy are the belly enlarges particularly on the right side and about the sixth month the calf can be felt as a hard lump near the flank on the right side. The calf can be seen even earlier than this to jump, especially when the cow drinks cold water.

One attendant is required to feed, attend to and milk 8 to 10 cows. Each animal should be milked always by the same man. At milking time the stalls should be clean. The milkman should wash each udder and dry it with a cloth immediately before milking. This is especially necessary with buffaloes which when excited urinate in small dribblets which run down the thigh on to the udder and drop from the teats. The milker's hands should also be washed clean. It is almost needless to add that the milk vessel used must also be clean. Milking should be done expeditiously and the last drop of milk extracted. The calf usually is accountable for the thoroughness of the latter operation. It is common in dairy farms where no calves are suckled to go over the cows a second time and draw away the last milk which is called *strippings*. This as already noted is the richest part of the milk and is usually set aside in farmers' households to answer the purposes of cream. Any milk left in the udder does not tend to increase the yield at next time of milking but rather to set up local inflammation.

The milk is easily tainted by the food given to the animals. Buffaloes are indelicate feeders, and with good reason their milk is often objected to on this score. Any plant with a pungent aromatic odour is apt to taint milk. Turpentine given as medicine will taint milk secreted during the following 24 hours so much so that the milk is quite undrinkable. The drinking water of cows if polluted with sewage or with decaying organic matter, whether animal or vegetable, may be the cause of tainting the milk, so that it becomes

Signs of pregnancy

Milk g

Milk tainted by food water and in other ways

dangerous as human food. Every contagious disease has its own germ, and milk at any ordinary temperature is perhaps the best medium in which these germs may be propagated. Disease in the human subject has been repeatedly traced to impure milk. How far enteric fever, cholera, diphtheria and many other diseases can be communicated through milk may be conjectured. There is no question that unsanitary conditions surrounding cow sheds and dairy premises furnish a public danger of no common order. A simple test to determine whether organic matter is present in water is accomplished by evaporation and by burning the residue in an open vessel: if the smell peculiar to burning organic matter is given off the water is unwholesome. Nitrates or common salt present in drinking water indicate contamination by sewage, the salt being an indication that the contamination is due to human urine.

Cow sheds

Cow sheds in India should be airy, well ventilated, have *pukka* floors and open gutters or drains to carry the urine directly to the manure pit. The byres should be situated on a high well drained situation. Cows should not stand crowded in the stalls.

Climate—A district having rainfall of under 40 inches is referred to in the following notes as a dry district and over 40 as a wet district

Rich Soil—Soil that has been freely manured and regularly worked for several years and has been recently dressed with 6 cart loads per square chain of good manure may claim this title

Poudrette is prepared at Poona by spreading nightsoil in a shallow bed prepared for the purpose mixing with it a nearly equal measure of ashes obtained by burning the town sweepings and letting the mixture dry in the sun It is a very strong manure

SOIL

Test for
fitness for a
garden

If any of the common agricultural crops of the country thrive on the soil it may be assumed to be initially fit

Trenching

Is the complete or partial inversion of the soil to a depth of 2 3 feet This should be invariably done in jail gardens because much less water suffices for cultivation on a trenched soil and the produce is much greater than would otherwise be the case It is effected thus —Set a number of men in file about 5 paces apart let them dig a trench 3 feet wide and $1\frac{1}{2}$ feet deep throwing the soil evenly to the right hand then dig 6 inches deeper but leave that soil in the trench Then fill the trench evenly with sweepings preferably fresh to a depth of 4 inches after spreading the sweepings in the trench move the files 1 yard to the left and repeat the operation thereby filling the trench The surface of the freshly trenched soil should be level and neat

Nightsoil
trenches
should be at
least 18"
apart.

In trenching for nightsoil dig to a depth of 18 inches throw back 4 inches of loose soil fill in nightsoil to a depth of 6 to 8 inches to the top with earth The earth should be firmly pressed down with a dumas if necessary

When to
dig

All kinds of garden vegetables need to have the soil very thoroughly stirred up to induce fertility The stirring should not be deferred until a crop is about to be planted on the contrary it should be dug up at least one foot in depth immediately after a crop is taken If manure can be applied at the same time so much the better It will lie in the ground until wanted with perfect safety while ignorant or careless treatment in the dunghill may seriously injure it If the soil has through neglect become overrun with perennial weeds work thoroughly twice over and pick out as many of the roots of the weeds as possible then plant some crop that will cover the soil entirely such as sweet potatoes The want of light will kill the perennial weeds very quickly

Be cautious in deep trenching or you may bury the fertile top soil with the underlying crude soil which has never seen the light But the deep rooting of the plants

—which is a loan—
deep rooting of the
1 element

The earth surface between growing vegetables should be kept loose. Regular use of the *Jurpi* is most important. This stirring of the superficial soil diminishes the loss of moisture by evaporation and when the air is damp leads to the actual deposition of additional moisture. The *Jurpi* should be used freely after the weekly watering.

If the soil contains much salt the land should be marked off in strips alternately 8 feet and 4 feet broad. The 4 feet strips should then be dug out to a depth of 1 foot and spread over the 8 feet breadths leaving the edges of the hauls slightly higher than the level surface. The rains will wash the salt into the furrows whence it will flow away or, if necessary, can be baled out. Salt soil

A heap of manure should never be allowed to become dry, if it becomes dry the most valuable part of the manure the ammonia, goes off as an offensive gas. If excessive water is added the ammonia will also go away in the black coloured liquid that oozes from the dung heap, a medium state of moisture is necessary to make good manure from litter. Manure that has been well made acts quickly and certainly and is specially desirable for crops grown without irrigation but in July the crude manure can be trenched and the ground deeply dug after five or six months when the manure will have thoroughly decomposed. Fresh manure applied during the one season will come into use during the next season of growth and no loss of valuable constituents will take place while the manure is in the ground but great loss may and ordinarily does take place while the manure is in the dung heap. Manure

Green manure—The digging in of the leaves of cabbages carrots etc. not required for food purposes. Also of crops of the *Leguminosæ*. These latter should be dug in before flowering.

Leafmould—Vegetable refuse leaves etc. should be collected and thrown into a deep pit. The refuse should be piled up a couple of feet above the surface and the contents soaked with water occasionally. In about a year and a half the contents will have decomposed and be ready for use. Before use the mould should be sifted rejecting all leaves stalks twigs which are undecayed. Or the mould can be charred, this is speedy and effectual and destroys all insect life.

Other manures are wood ashes guano bone dust nightsoil (the great jail manure) stable manure, cowdung pigeons dung etc. Cowdung is a most valuable manure when well rotted. It often however contains insect grubs.

Charcoal is useful in keeping the soil open and is especially valuable as an addition to composts for potting seed boxes etc.

Liquid manure prepared by filling a tub with water and throwing into it dung of all sorts and stirring occasionally. This is excellent for growing vegetables but you must not allow the milk to give it of pea soup consistence which he will always do if not prevented. The clear supernatant fluid should be given weak and

seed fall very gently so as to ensure regularity of distribution, then cover with a mixture of sandy soil and leafmould in depth varying from $\frac{1}{8}$ inch to 1 inch, the former for such small seeds as purslane and the latter for peas or beans. By watering the seed bed thoroughly before sowing it is sometimes unnecessary to water it again before the seed has germinated. Much injury is done by allowing seedlings to remain too thick in the seed bed, therefore, pricking out or timely thinning must be attended to. It is often better to make a series of small sowings in preference to one large one, if for any reason the first fails to germinate, the second or third may succeed.

Many gardeners prefer to sow the seed on the unwatered bed and then covering them with a thin layer of fine mould to press the bed firmly and evenly and then water with a very fine rose. For all watering of seedlings in the early stages a fine rose and gentle watering is necessary.

For sowing in seed boxes a compost recommended by Firminger is, 1 part leafmould, 1 part common earth and $\frac{1}{8}$ part silver sand, well mixed, and for the covering earth equal parts of charcoal coarsely pounded and leafmould. Firminger states the charcoal keeps the soil from becoming green and sour.

In sowing seeds broadcast, the surface of the soil must be made as level and free from lumps as possible. It will of course have been thoroughly dug, exposed to the sun for some time and properly manured previously. If a layer of fine leafmould is put over it when finally levelled it will be all the better. You should not sow broadcast on dry dusty soil. If the land is dry you must water it freely a day or two before sowing. In sowing broadcast mix the seeds with two or three times their bulk of fine sand; this insures more even distribution. Sowing can be done also in drills. This method is best for carrots and parsnips.

In gardening operations in this country there are few instances in which want of skill is more frequently shown than in transplanting. Transplant-
173 the fact that the irrigation that is so common hides many of the defects in unskillful transplanting and prevents the excessive loss that would accrue from bad transplanting is no reason why proper transplanting should not be practised and the benefit from the absence of check in development obtained. In transplanting the ground should first be thoroughly worked and irrigated once; then, a day after the irrigation a line should be stretched across the plot and if the plants to be transplanted are to be put in not more than 15 inches apart it is advisable to open a trench 6 inches deep, from one side of the plot to the other by cutting out the soil with a hoe neatly to the line leaving one side vertical. The plants should then be taken from a basket by the left hand and held against the vertical side of the trench while the right hand applies friable soil by letting it fall gently on to the roots so that the fibres may be directed downwards, then press firmly while the left hand is laid on the surface behind the plant to prevent the soil from running.

the remainder of the soil should be filled in with the hoe after the line has been completed. If the distance apart is more than 15 inches then a stroke of the hoe at the suitable distance apart will be sufficient if the one side of the pit is left vertical, so that the plant will remain upright when put into its place. If a gang of men are employed at transplanting, each line should be planted by one man and the warder in charge should test the work by trying to pull up about 10 of the plants, if a gentle pull is sufficient to draw the plant out of the ground, the work should be gone over again. When a line has been planted the soil may be trodden by the feet on both sides of the line this will form a trench into which water may be poured.

An excellent plan is to lift with a spade a large piece of the seedling bed and put in a gamella and carry to the scene of operations.

Then slowly and carefully add water until the earth becomes a soft mulch when the seedlings can be taken out without injuring the finest fibril of the roots.

Too often the mistake is made of allowing seedlings to grow in an overcrowded bed. This is fatal to the strength of the plants. They should be thinned out and the seedlings which are taken up pricked out in another bed 2 inches apart. But this must be done most carefully or the seedlings may get such a set back that they never develop properly. Young seedlings when transplanted out should be protected from the sun. Country tiles or broken flower pots, plantain leaves and leaves etc., may be placed over them in the day and if necessary removed at night. This is especially required for seedlings put out in October and the early part of November.

ROTATION OF CROPS

Every plant draws sustenance of a different kind or in varying amounts from the soil. One plant will require a great deal of one mineral and comparatively little of another and vice versa. Hence the necessity for manuring the soil and the reason for rotation of crops. Rotation of crops is based not only on the actual food a plant requires but also on its method of growth. Deep root vegetables (carrots, parsnips, beet) follow surface root vegetables like the cabbage tribe. Members of the same family should not be grown in succession. After exhausting crops (e.g., cabbages) peas or light surface crops like lettuce do well. Suttons Manual

to place year after year, the Cabbages and the Potatoes, because these are the most exhaustive crops we grow. In a ton of Potatoes there are about twelve pounds of potash, four pounds of sulphuric acid, four pounds of Phosphoric acid, and one pound of magnesia. We may replace these substances by abundant manuring, and we are bound to say that the best rotation will not obviate the necessity for manuring; but even then it is well to crop the plot with peas, spinach, lettuce and other plants that occupy it for a comparatively brief space of time, and necessitate much digging and stirring, for these mechanical agencies combine with the manure in preparing the plot to grow Potatoes again much better than if the land were kept to this crop only from year to year. If we could mark out a plot of ground into four parts, we should devote one plot to permanent crops such as Asparagus, Sea Kale, and Rhubarb, and on the other three keep the crops revolving in some such order as this: No 1—Potatoes, Celery, Leeks, Carrots, Parsnips, Beet, etc., No 2—Peas, Beans, Onions, Summer Spinach, etc., followed by Turnips for winter use, and winter Spinach; No 3—Brassicas, including Broccoli, Brussels, Sprouts, Kale, etc. In the following year the original No 1 would be cropped as No 2, and No 2 as No 3. In the third season corresponding changes would be made, constituting a three course system. The cultivator must use discretion in cropping vacant ground. As an example it will be obvious that land cleared of early potatoes will be very suitable for planting Strawberries. Another point is worth attention. Peas sown on the lines where Celery has been grown will thrive without any preparation beyond levelling the ground and drawing the necessary drills. This is a West of England custom and it answers exceedingly well."

Broomrape attacks brinjals, tomatoes and potatoes. No shorter interval than three years should be given between these crops.

Slime fungus—The cause of finger and toe disease—attacks cruciferae, and members of this family should not succeed each other.

Carrots can follow any cruciferae but not celery, parsley or parsnip.

Cauliflower can be sown after heavily manured crops, *e.g.*, celery, brinjal, tomato.

Onions require a well worked soil and do well after crops like potato, carrot, celery and cabbage.

Beans do well after cauliflower, cabbage or potatoes.

VEGETABLE PESTS

CABBAGES, CAULIFLOWERS, ETC

Aphis—Kerosine oil emulsion.

Grub of dung beetle—Avoid exposing fresh manure. If suspected, burn manure or soak with freshly prepared lime solution when the grubs will come out.

Club root—Defective rotation. Deficiency in lime. Pinch off affected roots and dip roots in solution of Potassium Sulphate (1 oz Pot Sulph to 2 gallons of water).

Caterpillars—Small caterpillars—Kerosine oil emulsion. Hellebore powder.

Cut worms—Small blackish brown caterpillars. Hellebore powder.

Large Looper Caterpillars—Pick off and throw into a weak solution of sulphate of copper.

Hares can be very destructive, nipping out the heart of the young plant.

Lady birds are great enemies of aphids and scale insects.

BEET

Slime fungus—If the presence of the spores of the slime fungus is suspected, mix a bushel of quick lime with a cart load of manure.

Aphids—Kerosine oil emulsion.

CARROT

Carrot fly—Wood ashes, Soot water.

EGG PLANT

Broomrape—Pull up and burn the plant, and plant no Solanum on the soil for three years.

KIDNEY BEAN

Red spider—Regular and copious watering.

TOMATO

Broomrape—Pull up and burn the crop. See Egg plant.

Aphides, Green, Black fly—Tobacco water. Infusion of quassia chips and soft soap. (1 lb quassia chips, 1 lb soft soap, water 3 gallons boil for 3 hours add three gallons rain water and apply warm.)

Tomato Wilt—Plants wilt and turn black. The pith browns and there are warty spots on the stem exuding dry dribblets of white fluid.

(1) If this disease appears do not plant tomatoes, potatoes or brinjals in the same ground for 3 to 4 years.

(2) Destroy diseased plants.

(3) Bordeaux mixture.

Fusarium Wilt or Droops or Sleeping Sickness

Rotation of Crops —Destroy infected plants by fire

Black Spot —(fruit) Sulphate of copper spraying Burn affected plants

Ripe Rot —(fruit) Collect and burn diseased fruits

Yellow Spot —(on leaf) (*Cladosporium flavum*) Sulphate of Potassium 10 oz to 3 gallons of water

First dissolve the sulphate in a quart of warm water and then make up to the desired strength Spray every few days Burn heavily infected plants This disease is most likely to occur in still damp weather Prune out the foliage

Downy Mildew —Bordeaux mixture

Root Knot —(Eelworm) The foliage yellows and the roots are covered with very numerous excrescences Burn the plants and saturate the soil with a germicide (Carbolic acid 1 20) and let it be followed with constant digging for 6 months

Cutworms —Put out poisoned bait, such as clover, weeds, etc., dipped in Paris green, 1 lb to 100 gallons of water, and put out on the ground before the plants are set out, keeping the ground free from all other vegetation

Tomato worms —Arsenic and hand picking

Tomato fruit worm —Do not plant tomato near old cotton or maize lands Arsenical spraying .

White fly —Kerosine emulsion tobacco-water Abol

Cracking of fruit —Often due to irregular water supply

Turnips —Aphis and other insect snails grubs Kerosine oil emulsion, wood ashes, soot

Finger and Toe Deficient lime Slime fungus

Constant digging turning over of soil and exposure to sun, rain and air is not only a fertilising agent but one of the best preventives of insects and grubs

When cabbages, cauliflowers and knol kohl are attacked with grubs, Mr H A Hall, Superintendent of the Deccan Gang has found the following an efficacious plan

Flood the plots with a watering can allowing the water to run off at once then apply surface dressings of wood ashes Repeat this three times on alternate days

INSECTICIDES

Dissolve one lb common yellow soap (country soap will do) in a gallon of water on the boil Take the vessel off the fire and stir emuls on in gradually one quart of kerosine oil and make an emulsion When it cools bottle off and keep ready for use When plants are

Sulphate of
Potassium

$\frac{1}{2}$ oz. to one gallon of water is a spray for all mildews and white fly of tomatoes. But when a crop is badly attacked by black or white rust best burn it.

VEGETABLE CROPS

ARRANGED ALPHABETICALLY

To understand the following notes it is necessary that the reader be familiar with the preceding paragraphs.

Artichoke — *Helianthus tuberosus* — *Ver* Artichoke

Soil — Any good soil thoroughly worked and enriched with 6 cartloads of ordinary manure per square chain. Plant tubers in lines 2 feet apart 1 foot apart in the line. Planting season end of April to end of June for late crops keep back by cutting off stems and replanting in August.

Wood ashes is an excellent addition to the manure for Artichokes. The flowers should be removed before opening and on no account be allowed to form. The tubers are ready for use in November and can be stored in earthen pots covered with dry earth or sand.

Bayce — Spinach or Greens

Young leaves and branches of the following plants are used as spinach, they may be sown at any time throughout the year with irrigation during dry weather and on raised beds when the rainfall is heavy. As the greater part of these plants occupy the soil only a short time they should be sown near the lines where other crops have been planted and cut down as soon as the permanent crops require the space and special beds sown if other ground is not available. These plants should only be grown in default of other and better vegetables.

Vernacular	Scientific	English
Ambari	<i>Hibiscus cannabinus</i>	Ambari
Batwa	<i>Atriplex hortensis</i>	Orache
Chakunt	<i>Chenopodium viride</i>	Chakunt
Chandenbatwa	<i>Chenopodium rubrum</i>	Chandenbatwa
Chowka Tandoolja	<i>Amaranthus polygamus</i>	Chowka
Chuka	<i>Rumex acetosa</i>	Curled
Maat	<i>Amaranthus oleraceus</i>	Maat
Meethe	<i>Portulaca oleraceus</i>	Meethe

Sown from August to October

Ghol Loone Loonal	<i>Portulaca oleraceus</i>	Paralun
Palack	<i>Synedra monensis</i>	Synedra
Pokala Harwe Soppu	<i>Amaranthus tricolor</i>	Pokala
Dhuvana	<i>Citrullus sativus</i>	Citrullus
Walle Mvalke Jayee	<i>Bisulfa allia</i>	Walle

Beans—Pinner Lilney—*Phaseolus Vulgaris*

If the rainfall is not over 70 inches in at 15 days interval from 1st May till 1st October in lines 3 feet apart seeds 3 inches apart 1 foot 11 inches for the runner to climb on water required one inch per week. The soil should if possible have been heavily manured for a previous crop and must be rich and well drained.

As the period for watering approaches, more water is required but at longer intervals than when the plants were younger. Should the leaves turn yellow the plants should be given a weak liquid manure occasionally. In very cold weather the plants should not be watered overhead in the evening.

Beans—Dwarf Lilney

Treatment same as the above except the lines should be in pairs 1 foot between the units and 2 feet between the pairs.

The dwarf bean does better than the ordinary runner. The seeds should be sown about an inch deep. They do best in a fairly shaded spot. Watering overhead may be required to keep off slugs, and water freely in dry weather when flowers are coming.

Beans—Lima double or duffin bean—*Phaseolus lunatus*

Let the soil be rich deep and friable from having 6 cart loads of good manure dug into it thoroughly at least three months before planting the seed. Put in the seed with a dibble in lines 5 feet apart 6 inches apart in the line and 2 inches deep. Avoid excessive moisture if the rainfall is heavy, by planting on raised banks and if the climate is dry provide 1 inches of water per month in 2-3 waterings.

The beans not the pods are eaten. The seeds should be sown in October when the rains are over. Moderate shade suits the plant best. It is a very heavy grower and requires strong staking.

Beans—Abu Curyaha ghahata

May be grown as above but the produce is not abundant. Used like French Beans.

Beans—Chardari—*Psophocarpus tetragonolobus*

Chevaux de frise bean

May be grown as detailed for Lima Bean, if slightly shaded and watered freely it bears heavily during the hot weather.

Beans—Gowrea—*Cyamopsis psoraloides*

Plant the seed in July in lines 2 feet apart and 3 inches apart in the line. In the Deccan the rainfall is sufficient, if the soil is thoroughly worked and rich.

Beans—*Dolichos lablab*—Pauti, Valpatri

A rich soil, deeply stirred and planted with valpatri during August-September in lines 4 feet apart and seed 3 inches apart, to

come out in August, spread a considerable part of the garden with a thick coating of stable litter or dry leaves, and burn it, prepare the seed bed in the middle of the burnt space, and soak 1 pound of saltpetre in water for 100 square feet, and water the bed with it at least two weeks before sowing the seed.

Hellebore Powder is especially valuable as a preventive of the small blackish brown "cut worms" which are so frequently destructive to cabbage and cauliflower seedlings.

Another method, Firminger — "A method I have found very successful in the cultivation of this vegetable has been to put out the plants, when very young, singly into small pots, and when they have outgrown these, to shift them into others just about large enough for them to complete half their growth in, and when the rains are over to transfer them to their places in the open ground. If planted so deep that the whole of the stem is buried beneath soil, very little, if any, earthing up will be required afterwards. By exposing the plants to the sun a few days before removal from the pots, they will not flag or in any way suffer on being put out into the open ground. This may seem an unnecessarily troublesome mode of proceeding. I am, however, inclined to believe that it is one which involves less trouble than any other. The pots can be kept in a place where the plants are protected from over much wet and sun, and, with the exception of being regularly watered, left almost to themselves. Thus all the earthing up and constant attention which takes up so much of the malee's time may be saved, and the risk of damping off avoided as well. Moreover, the cramping of the roots in pots during the earlier period of their growth has been attended, as I have thought, with the usual beneficial effect of inducing the plants more readily to form heads of bloom, and this, as regards plants raised from imported seeds, is a point of the greatest consequence." This method is not applicable to cultivation on a large scale.

Transplanting — You must be most careful in transplanting Cauliflower seedlings. A check to the growth results in bad heads. The seedlings should be gently watered and must be thinned out where too thick. The seedlings lifted out should be put into another bed 4 inches apart and can be later on finally transplanted. But all transplanting must be done carefully and by skilled hands. Nothing damages Cauliflowers more than bad transplanting. In prisons the one transplanting is the best unless the Jailor and Superintendent are experts and supervise the work themselves. The roots of the seedlings must not be injured and you must see that the males or the prisoners do not double up the root on itself when transplanting. Sutton strongly recommends that the roots before planting out should be dipped in a puddle of lime, soot, rich manure and water. Some gardeners recommend the removal of the lower leaves of Cauliflower in order to induce early and good formation of heads.

Cabbage — Practically the same cultivation as Cauliflower and Broccoli.

Courc Tronchuda, or Portugal Cabbage—The same treatment as ordinary Cabbage Seeds can be got from Sutton's

Brussels Sprouts—Generally the same cultivation as Cabbage, a strong rich soil with good drainage is required

Savoy Cabbage—Although this vegetable grows best in the cold weather in Sind, it has been grown successfully in much warmer places in the Presidency though the flavour may not be so good. The cultivation is the same as for other Cabbages

Varieties to be grown—Every gardener must try different varieties, what may be the best variety for Poona may fail in Dhulia and vice versa. The following have been grown almost all over the Presidency and Sind with success—

Cauliflower—Sutton's Magnum Bonum, Favourite, Autumn Mammoth, Early London White, Walcheren, Early Giant

Cabbages—Sutton's Tender and True, Early Favourite, Main-crop, Improved Nonpareil, Summer Drumhead, Early York

Savoy—Sutton's Best of All, Drumhead, Early Elm

Carrot—Dancus carota—Gajar

If the rainfall is light sow in lines 9 inches apart, the seeds may be dropped as near as is practicable to $\frac{1}{4}$ inch apart and thinned at short intervals. The sowing season for gardens extends in dry districts from 1st June to 1st January, and in wet districts from the end of the monsoon to the 1st January. The main crops are only grown in dry districts and are sown in September-October. Deep sandy soil is desirable and $\frac{1}{2}$ inch of water per week improves variety may
The country
The varieties

cultivated in gardens in Europe and America are much finer than the gajar and may be easily grown in this country

Never apply fresh manure. The soil must be thoroughly tilled and broken up and made friable—a light rich warm soil. It is best to sow after a richly manured crop. When sowing mix with sand or ashes or else the carrot seed has a great tendency to stick together and be too thick. Carrots do best sown in raised drills especially if the soil is poor or at all tenacious. Thin the plants out gradually to 4 inches when about 2 inches high. The young carrot is excellent eating. A liberal supply of wood ash will keep off carrot fly. Forked carrots and parsnips are due to fresh manure and hard lumpy soil not properly broken up or rendered friable.

Best Varieties—Sutton's New Red Intermediate, Scarlet Intermediate, Early Gem, Champion, Scarlet Horn

If you want to grow a finely shaped Carrot for show, take a peg approximately the size and shape of the carrot desired, drive it into the soil and then fill up the hole left on withdrawal with rich old loam, then drop in three or four seeds and thin out to the strongest one. The root of which smooth and undivided will probably fill the hole originally made.

Celery—*Apium graveolens*

If the rainfall is light, sow from July to September, if over 10 inches yearly, let the sowing be made during the latter month, and in a broad shallow pot or basket that may be lifted into shelter during long continued rain. Although celery thrives with abundant water after growth is established, it will not bear continued wet weather while young. Prick out the young plants as soon as they are large enough to handle, 4 inches apart on a bed of rich friable soil, and when 6 inches high plant in lines in trenches 9 inches deep in soil that has been very heavily dressed with old manure. Let the trenches be 3 feet apart and put in the plants $1\frac{1}{2}$ feet apart in the line and give 1 inch of water every 3 days. About six weeks later, when rapid growth is going on, draw the leafstalks together, place tiles round them to keep off the pressure of the soil and fill in the trenches, raising the soil up as growth progresses keeping the centre leaves exposed, this process leaves a channel between each pair of trenches into which 3 inches of water should be run once in three days. Soil of a tenacious nature that will not allow the water to run down to the roots of the plants is not suited for this crop. In tying up the plants a few leaves may be so short that they would be enclosed by the tiles, such leaves should be cut off as they decay, and may communicate decay to the enclosed leafstalks. The object of enclosing the stalks with tiles and earth is to blanch or make the leafstalks white or rosy red. If Celery is properly grown it should have 12 inches of a pure white or rosy solid leafstalk of a tender crisp nature and having a delicious nutty flavour. With care and attention first rate Celery can be grown in the dry parts of India but I have never seen good Celery in the market, such as appears is only fit for flavouring soup. Celery seed is very small and light, if good, 1 oz. produces enough to plant a square chain.

Chillies—*Capsicum annuum*—*Mircha*

Garden chillies for use green may be sown any time from 1st June to 1st December in dry districts but the main crop should be sown in August on a seed bed and transplanted when 4 inches high into lines 2 feet apart and 1 foot apart in the line. A watering by hand at planting time may be desirable, afterwards regular hoeing to keep the surface open is sufficient.

Cucumber—*Cucumis sativus*—*Keera*—*Kakra*

Sow *Kakra* once monthly during the rainy season on very rich soil laid out in ridges having the centres 5 feet apart, the seed to occupy the centre of the ridge and be put down in groups of 5 seeds at intervals of 5 feet. From the end of the rains the better variety *Keera* is usually grown. The seed should be sown in the furrows and the runners trained on the ridges. During the hot season if a sandy river bed with water at a depth of 18 inches is not available large pots filled with very rich sandy soil may be arranged in water tanks so that the bottom may be a few inches in the water that it may rise through the soil by capillary attraction. So that the plants are not overcrowded.

Darla or Luffa acutangula—Toorave

Toorave—The angled cucumber and *Luffa petandra*—Ghai Toorave may be treated as detailed for cucumber

Doodia—*Lagenaria vulgaris*—Milk Gourd

The soil needs to be specially well worked and enriched with ten carts load per square chain of good manure, and laid out for irrigation. The seed may be put down in groups of 5 to be thinned out to 2 plants the groups should be 6 feet apart in both directions and a support should be provided consisting of upright posts about 5 feet apart connected by cross pieces over which a few light branches may be thrown to support the runners and keep the fruit off the ground. Sowing season from April to September

Dill Passand—*Citrullus vulgaris fistulosus* Indian vegetable marrow

Is cultivated as above but the first sowing is made in January

Karala—*Momordica charantia*

May also be grown as above

KOHL RABI

The cultivation of this vegetable is the same as that for turnips, but the plants can be put out at from 6" to 9" apart. Any good light loam is suitable, and if it has been heavily manured for a previous crop, no fresh manure is required. Kohl Rabi likes lime. Give the land a good dressing with lime a couple of months before the sowing. Do not water the plants late in the evening in the cold weather. In the Deccan, sow any time from May to January. The seedlings put out in June will require shade until the rains set in. Woodrow recommends that the plants should be grown where sown as the woody fibre is increased by the check received on transplantation. The crop should be grown quickly it is then tender and free from fibre. Slow growth means tough Knol kohls

LETTUCE

In dry districts, sow at intervals of 10 days from the opening of the monsoon till the end of November. In wet districts the heavy rain must be nearly over before sowing takes place and the first sowing should be in pots or baskets that can be moved into shelter if heavy rain falls. When the seedlings are fit to handle easily plant out 6 inches apart on raised beds of very carefully worked soil for the early crops on the northern side of a tree that will give shelter from the sun. Frequent hoeing regular watering and rich soil are necessary to grow Lettuce rapidly, otherwise the vegetable becomes tough and bitter.

When three parts grown it is advisable to tie the leaves together slightly so as to keep out light this prevents the inner leaves from becoming green and keeps them tender. A set of good specimens should be transplanted carefully when three fourths

grown to a separate bed to be kept for seed and when the first signs of the flowering appear on the general crop, the plants should be pulled up and thrown on the manure heap

There is no use taking seeds from indifferent plants and you must have acclimatised seeds for the sowings in May, September and October Do not make large sowings but repeated small ones Water freely

Best Varieties —Cos Sutton's Superb white, Mammoth White, Little Gem

Cabbage, Sutton's Heartwell, Commodore Nutt, Standwell, A 1

Mangel Wurzel can be grown as turnips It is best grown as a cold weather crop from October to early in December

Melon —*Cucumis melo* —Kurbooz

The river bed system of growing Melons is well known All that is necessary is a bed of gravel having water at a depth of about two feet, into this gravel a heavy dressing of poudrette is put and the seed sown in January, this system will not be often practicable within our bounds but melons may be grown well by preparing a mixture of 1 part poudrette and 3 parts of sand placing this in large pots the margin of a tank of water so that the soil may suck up water freely, 3 seeds may be planted in each pot and thinned out to one after growth has become fairly established

Water Melon —*Citrullus Vulgaris* Turboor —Kalingara May also be grown as above

Mula —*Raphanus sativus* —Country Radish

Is most easily raised by dibbling seeds into vacant spots between the plants of some other crop that has a very rich deep and thoroughly worked irrigated soil Fresh sowing should be made every ten days from the beginning of September till the end of December

For English Radishes make repeated small sowings in drills 3 or 4 inches apart and put the seeds $\frac{1}{2}$ inch deep After sowing tread the ground well down Thin out to 3 or 4 inches apart The soil should be rendered friable by working leaf mould well in sow in small beds on north side of a tree from June 1st to February 1st They should be watered carefully daily, the roots are ready for use in 20 days and should be pulled up after 30 days

It is stated that the turnip rooted radish stands transplantation well and is benefitted by it Water freely during growth and hoe the soil if it becomes dry cald and slimy

Mustard —*Brassica niger* and Cress, *Lepidium sativum*, for salad is raised by sowing the mustard and cress seed separately, on a bed of rich friable earth thoroughly watered before sowing The seed being put in thickly and shaded germinates within 4 days and

a supply may be kept up nearly all the year round except during seasons of very heavy rain by repeating sowing of mustard seed every 4 days and cress seed every 15 days

Onion — *Allium Sativum* — Peear

For green onions in dry districts sow fresh seeds at intervals of 15 days from 1st June to 1st January, broadcast, on a friable rich soil made firm on the surface and shaded to maintain moisture. For ripe onions sow in September October and plant out 4 inches apart for seed, plant ripe onions in November. Quantity of seed wanted 1 oz. per 100 square feet of seed bed.

Onion seed is expensive and does not retain its vitality long. Every prison should grow its own onion seed.

Select sound, healthy ripe bulbs and plant in rich well manured soil 2' apart during the month of October or early in November. Before planting the bulbs cut off the upper third with a sharp knife. The growth is much stronger and more vigorous than if planted entire.

Seeds gathered at the beginning of the hot weather should be stored in carefully corked hottles sealed or waxed. Ashes, decayed sweepings, poudrette and night soil are good manure for onions. Mix the manure thoroughly with the soil.

If sown broadcast the onions must be thinned and in all cases carefully weeded. In India, seed beds and subsequent transplantation is the better method. In transplanting only insert the fibrous roots of the onion in the soil. Burying the stem only results in its thickening and this delays the ripening of the bulb. Suttons in their book on tropical gardening say 'The bulbs should be allowed to sit on the soil so that they may be fully exposed to light and air. This has a material effect on the length of time the crop can be stored.' To ensure proper ripening gradually diminish the supply of water.

Sometimes when a bulb has half formed the leaves become yellow and unhealthy and growth ceases. In this case surface dressings of wood and cow dung ashes should be applied once or twice a week immediately before watering.

Sutton states — 'The beds for Onions need much attention in hand weeding and thinning and therefore a width not exceeding four feet is advisable. There should be narrow alleys between, which save the necessity of trampling among the plants. The drills for seed are most convenient when drawn across the beds at right angles to the alleys. Between the lines the space may vary from six to twelve inches, according to the varieties sown and the size of the bulbs required. The drills must be shallow, if the seed is deeply buried the Onions will be forced out of their true form and resemble Leeks. Where the crop has to be irrigated, seed is sown or planted on the side of ridges, so that the water may run between the rows.

To ensure perfect ripening of the bulbs in Western Europe, it is customary to arrest growth by bending over the tops. The same result is attained in dry climates by withholding water."

Parsley—*Petroselinum sativum*—*Parsley*

In dry districts sow in August September on beds of deep loose soil in lines 6 inches apart, shade till the seed has germinated and thin out to 4—6 inches apart in the line. In wet districts the sowing must be deferred till the monsoon is over. It is advisable to gather the Parsley in January, dry it in the shade and preserve in bottles for use during May—July during which time it is very scarce.

The above is Woodrow's statement, but Parsley can be grown the whole year round in Poona if it is given moderate shade in the hot weather. Overhead water should be avoided.

Parsnip—*Pastinaca sativa*—*Parsnip*

Let the soil be 15 inches deep in good condition and sow in lines 15 inches apart, irrigate freely and thin out to 6 inches apart in the line. Good Parsnips have been grown at Poona. Best left in ground till required.

Peas—*Pisum sativum*—*Watana*

Let the soil be heavily manured and deeply worked for a previous crop. Sow weekly in dry districts from the opening to the end of the monsoon in pairs of lines half as far apart as the height the variety grows to; the units of each pair of lines should be 1 foot apart to allow of a line of branches to go in middle and act as stakes for the pea stems to climb on. The Peas should be planted two inches apart and one inch deep. In wet districts the end of the monsoon is the beginning of the sowing season. If the fine Marrow fat varieties are wanted select a piece of ground that has been heavily manured and is known to be in good condition; let the ground be thoroughly dug, then mark it out in strips; each alternate strip should then be dug out six inches deep and the soil thrown on the top of the adjacent strips so as to deepen the soil that is in good order. Sow two pairs of lines two feet apart on the raised strip and arrange to water it to the extent of two inches weekly. If an overhead shower of clear water can be given every evening it is desirable. Those varieties of Peas are very delicate in this climate but they can be grown by using the extra culture noted above. When the white fungus attacks Peas severely, pull up and burn the plants.

Peppermint—*Mentha piperita*—*Peppermint*

Is a useful condiment that is easily grown if cuttings are planted at the sides of water courses.

VEGETABLES

Potato—*Solanum tuberosum*—*Potato*

The Potato needs a friable rich soil fit to absorb and retain moisture but not tenacious. Stiff clay is quite unsuited for the

potato and the heavy manuring that is given in Europe and recommended in books is not as beneficial in this as in cooler climates. One ton of well decayed cow dung or horse dung that has been kept moist while rotting on each square chain of ground, is sufficient. The Potato may be grown as a rainy season crop, without irrigation in districts having a rainfall of 35 inches regularly distributed throughout the season and as a cold season crop with irrigation to the extent of half inch per week. Prepare sets by cutting up the potato into pieces having two buds each if the remainder of the potato can be utilized as food it is advisable to use the rose end—the end that has many buds—only, this gives more vigorous plants than the other end. Plant in lines two feet apart and one foot apart in the line 100 lbs of sets are required per square chain. The plants must be hoed carefully once in 15 days the soil being gradually drawn towards the plants and the channels that are made in doing so should be blocked at short intervals to prevent the rain water from running off.

Purslane — *Portulaca oleracea* — *Ghol*

This vegetable is greatly valued in some parts of Europe in Holland it is grown with great care in glazed frames but it is indigenous in this country and is a very common weed in gardens in dry districts therefore its cultivation is as simple as possible. A rich soil with raised beds during the rainy season and flat beds with irrigation during the dry season and thin sowing in lines four inches apart the plants to be thinned out to one inch apart in the line. European varieties are more upright in growth and have larger leaves than the wild sort this is the result of selection of seed from vigorous plants and could soon be attained from our wild variety.

Pumpkin — *Cucurbita maxima*

Select a soil of an open gravelly character that has been regularly worked enrich it with a coating of manure three inches thick and dig it very thoroughly. Sow the seed in patches of 5—6 at a distance of six feet thin out young plants to two in each patch water by making a circular trench to each one foot in width and depth at a distance of two feet from the seed and filling it to the brim with water twice a week unless the rainfall is heavy. Look out for female flowers they are easily distinguished by the swollen ovary at the base which is wanting in the male when about a dozen female flowers are formed take the points off the growing shoots that are rapidly spreading on the ground and place some dry gravel beneath the growing fruit to keep it dry.

Roelle — *Hibiscus subdariffa*

Sow in July August in the lines of some other crop that will occupy the soil about 3 months let the roelle plants remain 3 feet apart and when the main crop is removed hoe thoroughly leaving the ground in a state to absorb and retain as much moisture as possible this will save irrigation but if the rain stops early, one or two good waterings will be desirable.

SPINACH

Spinacea Oleracea — *Palak*

Spinach likes a rich soil with moderate shade and free irrigation. From July sow in rows one foot apart, irrigate freely and thin out to six inches apart in the drills. For India the round seeded variety is to be preferred.

Perpetual or Spinach Beet (*Beta Cicla*) Grow as beet. Pull the leaves freely whether wanted or not in order to promote new growth.

New Zealand Spinach (*Tetragonia Expansa*) Stands heat well.
Sweet Potato — *Ipomoea edulis* — *Ritula*

During July—September obtain runners from a plantation of the previous year reserved for this purpose, cut them into pieces 18 inches in length, double up, and plant with the loop downwards, leaving two inches of the ends above the surface. The cuttings should be 18 inches apart and the lines 3 feet apart on the centre of a ridge if the rainfall is heavy, in a furrow if the rainfall is light. The runners should be left to cover the surface. Water $\frac{1}{2}$ inch per week at least is required.

TOMATO

In selecting a plant for seed purposes look out for one of which the fruit is almost all of the desired type. Do not take a plant with a few very perfect fruits as the value of the seed is determined by the plant rather than by the individual fruit. Well shaped fruit of moderate sizes are better than the very large ones. The latter often have little seed. Keep the seed of each plant separate even if of the same variety. You must not take the plants for seeds haphazard towards the close of the crop. From the time of fruition select your seed plants. Leave the fruit on the plant till thoroughly ripe, then cut and place in a well lighted sunny place but do not let them be heated by the direct sun. Do not let them be too long or else the seed may sprout in the pulp. When ready cut the fruit open and scrape out the pulp, wash the seeds clean in a fine sieve, dry, and store away in well stoppered bottles. Sow seed thinly in well drained pots or boxes or beds of light rich soil.

If you use boxes or pots put a thin layer of fresh coal ashes or burnt ballast or coarse gravel at the bottom and then fill up with a mixture of leaf mould and loam. You can mix a little coir fibre and add a dash of sand. Press the soil gently and cover the seeds with $\frac{1}{8}$ inch of light soil.

Watering — Watering should never be irregular. Too profuse watering very easily damages young plants and makes the soil sour. Only give enough water to prevent withering with seedlings trust more to shade than watering. If you over water, the plants make too much growth. Do not water mature plants in dribblets, when you do water give a good soak.

Abundant sunlight, good drainage and gentle breezes are the chief essentials for healthy growth of tomatoes. Good root drainage is necessary for the production of good fruit. Damp muggy weather is bad for tomatoes.

Never crowd your seedlings, there must be room for the roots and light for the leaves. The ideal temperature is from 75° to 85° F.

Soil—Tomatoes can be grown in almost any soil with care. But they delight in a rich old loam, that has been well manured for many years. The chief thing is well worked soil, plough deeply and re-plough, work and rework the surface. Get the soil as fine and friable as possible. The better the soil is worked the bigger the crop of tomatoes. The actual nature of the soil is of importance chiefly in its affecting the ease with which the cultivator can put it into good condition.

Manure—Must be well rotted. Do not make the soil too rich in the first instance, give the necessary stimulant later as liquid manure (horse and cow urine diluted 4 times with water or liquid manure prepared from horse, cow, or sheep dung—the latter being the best), infusion of soot or guano, weak solution of Nitrate of soda about once a week.

Wood ashes is a splendid manure for tomatoes. Potash salts give firm and acid fruit. Phosphates soft fruit less acid.

Top dressing of guano, bone dust or fish are also useful. A mulch of nearly fresh or partially decayed stable litter manure is recommended by some writers to be applied some inches in depth especially in hot dry weather, as it supplies nourishment and keeps the roots cool.

Previous Crops—Tomatoes should never follow tomatoes, brinjals, or potatoes. Tomatoes do well after clover, peas, beans, maize or wheat.

Planting out—Do not put the young plants out too soon. For transplanting avoid wet soil, cold dry days and a high wind. Remember that exposure of the root to sun or a high dry wind is very injurious. So shelter your seedlings from the sun and let the planter sit so as to shade the plant while handling it. Never twist the stem. Close the earth in well around the plant, sinking it a little deeper than it had been in the seed bed. Plants should be from 2 to 2½' apart and 3 to 4' between the rows, which run best North and South. Give each plant one stout stake 5 or 6 feet long. If you decide on pruning your tomatoes it must be done carefully and regularly. If it cannot be done well, do not try to do it at all. Pinch out all laterals or side shoots when the plant is small. Remove any shoots springing from fruit clusters. If the foliage is too luxuriant shorten back to two or one pair of leaflets. It is best to train the plants on the cordon or single stem system. Tie the plants up with any soft fibre or string once round the stake and then looped over the stem. If you want

to get fruit at the lowest cost per bushel, i.e., when labour is costly, neither prune nor stake. As a rule, there is no difficulty about labour in Jails.

Frequently tomatoes are allowed to grow to a jungle of leaf beneath which the fruit remains unripened or rots. Pruning should be done judiciously, according to the amount of sun, the heat, and the maturity of the crop. Tomatoes must be most carefully staked and the fruit should never be allowed to lie on the ground.

Varieties—Sutton's Abundance, Golden nugget, Main crop, Open air, Blenheim Orange (Carter), Dessert (Sutton), Dwarf Gem (Sutton), Earliest of all (Sutton), Frogmore Selected (Veitch), Golden Queen (Sutton), Peachblow (Sutton), Ifield Gem, Perfection (Sutton), Sunbeam (Sutton).

Turnip—*Brassica napæ*—*Salgalum* Shalgam

Soil fine sandy, and rich. Sow during August—October in lines 18 inches apart thin out to 8 inches apart in the line. Water 1 inch per week.

The soil should be well worked to one foot at least. The soil should be good but not recently manured. Turnips will not thrive if the land is deficient in lime. Prepare the land by digging the ground well up a couple of months at least before sowing then break up the soil and make the surface of the beds as fine as possible. If insects are likely to be a pest, cover the whole ground with rubbish and burn it. Sow broadcast, mixing the seed with 3 or 4 times its bulk of silver sand or in drills, the latter is the best. Thin out the seedlings, any overcrowding is fatal to the growth of the root.

Varieties—The following have done well in various parts for the Presidency and Sind.

Suttons Early Snowball, White Gem, Garden Swede, Matchless Early White Milan, Red Globe.

Vegetable Marrow—*Cucurbita pepo ovifera*—Vegetable Marrow

In dry districts sow during August—September, on ground prepared as detailed for Marrow Peas in patches of 5 seeds, 5 feet apart in both directions and water 2 inches per week.

Yam—*Dioscorea esiva*—*Codree*

Towards the end of the hot season the tubers send out buds which should be cut off with a portion of the tuber and planted 1 inch in a bed of rich moist soil to make roots. In the mean while the ground should be prepared by manuring heavily and laying out in ridge and furrow. In wet districts where the cultivation of Yams is most successful the ridges are laid down 1 foot from centre to centre, and the young plants set in the middle of the ridge 18 inches apart and a line of stakes erected for the climbers to run on.

APPENDIX III.

SCHEDULE OF STANDARD JAIL FORMS.

SCHEDULE OF STANDARD JAIL FORMS

Standard new numbers.	Name and description of Form	Authority by which its use is prescribed.	Remarks
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1	2	3	4
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REGISTERS

1	Under trial Register (1,000 names) books of 250 leaves each		
1A	Under trial Register (500 names), books of 125 leaves each		
1B	Under trial Register (200 names), books of 50 leaves each.		
2	Prisoners' Property Register (2,000		
2A	" " " " " "		
3	" " " " " "		
3A	" " " " " "		
4	each.		
5	Employment Register, books of 25 leaves each.		
6	Remission and Gratuity Register (1,000 names), books of 400 leaves each		
6A	" " " " " "		
6B	" " " " " "		
7	leaves each.	G R J D	
7A	Punishment Register, books of 100 leaves each.	No 5801, dated	
8	Fetter Register, books of 100 leaves each.	11th October	
9	Escape Register books of 50 leaves each.	1910	
10	Locking up Register (loose sheets)		
11	Gate Register, books of 100 leaves each		
12	Superintendent's Order books, of 150 leaves each.		
12A	Superintendent's Order books of 100 leaves each.		
13	Jailor's Report books of 150 leaves each.		
13A	Jailor's Report books of 100 leaves each		
14	Official Visitors' books of 150 leaves each		
15	Diet Register (for all classes of prisoners) books, of 25 leaves each		
16	Prison Cash books of 150 leaves each		
17	Register of Contingent Charges, of 31 leaves each, with inner sheets.		

Standard new number	Name and description of Form	Authority by which its use is prescribed	Remarks
1	2	3	4
REGISTERS—continued			
17A	Register of Contingent Charges, of 18 leaves each, with inner sheets	G R, J D, No 5801, dated 11th October 1910	
18	Receipt Books, of 150 leaves each		
19	Muster Roll Books, of 150 leaves each		
20	Acquittance Roll of 150 leaves each	G R, J D, No 1222, dated 28th Feb 1911	
21	Clothing Register, books of 100 leaves each		
22	Dead Stock Register, books of 150 leaves each.		
23			
24			
25	Labour Account Cash Books, of 150 leaves each		
26	Personal Ledger, of 150 leaves each		For Shikarpur, Ratnagiri Kārwār Rajkot, Wadhwan and Belgaum, smaller books of 50 leaves should be supplied (vide I O's letter No 3619 dated 3rd April 1912)
27	Register of Daily Expenditure, of Raw Materials books of 150 leaves each.	G R, J D No 5801, dated 11th Oct 1910	To be supplied only to the Yerardi, Ahmedabad and Dhārwar Prisons (vide I G of Prisons letter No 5491, dated 4th June 1911).
27A	Work Order Book A (Manufacture Sheet, in 100 leaves each)		
27B	Work Order Book B (Manufacture Sheet, in 50 leaves each)		
28	Ledger of Raw Materials, books of 150 leaves each		For Shikarpur, Ratnagiri Kārwār, Pāykot, Wadhwan and Belgaum smaller books of 50 leaves should be supplied (vide I O's letter No 3619, dated 3rd April 1912).
28A	Store Room Book of 150 leaves each		
29	Store Room Manufactured Articles, books of 150 leaves each		
29A	Store Room Manufactured Articles books of 50 leaves each		
30	Factory Order Books of 150 leaves each.		
31	Stores Requisition Books of 150 leaves each		
32	Medical Officer's Journal, books of 150 leaves each		

Folio and page number	Name of document and Form	Authority by which it is prescribed	Remarks
1	2	3	4

PRISON RETURN, 1910

- 22 Return of Prisoners showing parts
received from the Government
and discharge tickets of 1909 leaves
each
- 23 Return of the 1st (a) 1st (a) 1st (a)
of 1909 leaves each
- 24 Consolidated Return (a) 1st (a)
leaves of 1909 leaves each
- 25 Return of 1st (a) 1st (a) 1st (a)
in a list of 1909 leaves each
- 26 Return of 1st (a) 1st (a) 1st (a)
in a list of 1909 leaves each
- 27 Return of 1st (a) 1st (a) 1st (a)
in a list of 1909 leaves each

PRISON RETURN, &c

Return

- 28 Consolidated Return
- 29 Extract from 1st (a) 1st (a) 1st (a)

Return

- 40 Abstract of Consignment 1st
- 41 1st (a) 1st (a) 1st (a)
- 42 Statement of Prisoning Charges
- 43 Statement of Prisoning Expenses
- 44 1st (a) 1st (a) 1st (a) Outer
sheet
- 44A 1st (a) 1st (a) 1st (a) Inner
sheet
- 45 Contractor's Receipt for Prisoners
where Europeans are confined
- 46 Contractor's Receipt for Prisoners
where Europeans are not confined
- 47 Contractor's Receipt for Miscellaneous
Articles
- 48 Subsistence Money, etc., paid on
release
- 49 Voucher of moving Prisoners
- 50 Invoice Form 1st
- 51 Invoice of Articles supplied from
Prison Factory to Prison
- 52 Report, Cast Balance

G. R. J. D.
No. 501, dated
11th October
1910

- 53 Return Judicial

Government Order
No. 2514 dated
12th May 1911

- 54 Statement D (Accompaniment to
Judicial Return)
- 55 Returns Factory Receipts and Pay
ments into Treasury
- 56 Returns Labour and Financial
- 57 Monthly Sick Return

G. R. J. D.
No. 501, dated
11th Oct 1910.

G. R. J. D.
No. 1451 dated
9th March 1911

Standard new number.	Name and description of Form.	Authority by which its use is prescribed.	Remarks
1	2	3	4
	BILLS, RETURNS, &c.—<i>contd.</i>		
	<i>Half yearly.</i>		
58	Sub Assistant Surgeon's Allowance..		
59	Return of Political Prisoners ..		
60	Statement of Establishment ..		
	<i>Annual.</i>		
61			
62		G. R., J. D.	
63		No. 6801, dated 11th Oct. 1910	
64	Sanitary Jails, Form No. 1 ..		
65	Sanitary Jails, Form No. 2 ..		
66	Tender Forms ..		
67	Tender Forms, Comparative Statement of Contract Rates.		
68	Annual Sick Return ..	G. R., J. D.	
69	Sanitary Sheets ..	No. 1451, dated 6th March 1911	
	MISCELLANEOUS.		
70	Estimate of Dead Stock ..		
71	Application for Copy of Finding to appeal.		
72	Acknowledgment of writs, etc. ..	G. R., J. D.	
73	Acknowledgment of Intimation of Recovery of Fine.	No. 5801, dated 11th Oct. 1910.	
74	Bill for Articles purchased from Factory, in books of 100 leaves each.		
75	Receipt Book, of 100 leaves each ..	J. G. P.'s letter No. 2331, dated 23rd March 1911.	
76	Certificate of Release ..		
77	Certificate under Remission Rules ..		
78	Casualty and Inquest Report ..		
79	Descriptive Roll of Transportation Convicts.		
80	Daily Task Ticket for Workshed ..		
81	Extra Establishment—Application for.		
82			
83			
84			
	<i>CONVICTS.</i>		
85	Inquiry Letter Form re Classifying Prisoners as Habituals.	G. R., J. D.	
86	Order for Gatekeeper to pass Articles out, of 100 leaves each.	No. 5801, dated 11th Oct. 1910.	
87	Invoices of Articles sold to other Government Departments.		
88	List of Witnesses on behalf of Prisoners.		
89	Nominal Roll of Prisoners transferred (w) etc etc.		Only issued to P.W. by Prison.

Standard new number	Name and description of Form	Authority by which its use is prescribed.	Remarks
1	2	3	4
MISCELLANEOUS—continued.			
90	Prices, current	G. R., J. D., No 5801, dated 11th October 1910	Under I. E. G. of Prisons Authority.
91	Morning Report and Diet Table of Prison Hospital.		
92	Register of Petitions to High Court (loose sheets)		
93	Report of Epidemic Diseases (Daily) to I. G. of Prisons Office		
94	Nominal Roll of Prisoners transfer- red from Sub-Jails.		
95	Security Bonds—Personal		
96	Security Bonds—Cash		
97	Tickets (Body) for Prisoners		
98	Do. Do. Do. Do. Do.		
99	Do. Do. Do. Do. Do.		
100	Tickets (Body), inner sheets, cloth lined.	G. R., J. D., No 1848 dated 10th March 1913	
101	Weight Chart, cloth lined		
102	Tickets (Body), Under trial Prisoners		
103	Transfer Form A		
104	Do. B		
105	Do. C		
106	Do. D		
107	Do. E		
108	Railway Accommodation Requisition	G. R., J. D., No 5801 dated 11th Oct 1910	
109	Extracts from the Under trial Register		
110	Forwarding Letter of Petition to Government.		
111	Do. Condemned Prisoner		
112	Jewellery Ticket, with covers		
112a	Do. without covers		
113	Nominal Roll of a Police Transfer convict.		
114	Requisition for Police Guards in books of 50 leaves each.		
115	Statement of Recovery of fine on behalf of Prisoners.		
116	Requisition on Treasury for Transfer Receipt.		
117	Nominal Roll of life transportation convicts	G. R., J. D., No 9122 dated 10th September 1913	
118	Memorandum regarding prompt remittance of Factory Outstand- ing Debts.		
119	Clothing Chart Taglot, E. M. G.	G. R., J. D., No. 5801, dated 11th Oct 1910	

Standard new number	Name and description of Form	Authority by which its use is prescribed	Remarks
1	2	3	4
	BILLS, RETURNS, &c —<i>contd</i>		
	<i>Half yearly</i>		
58	Sub Assistant Surgeon's Allowance		
59	Return of Political Prisoners		
60	Statement of Establishment		
	<i>Annual</i>		
61	Bill, Native State Prisoners	G R, J D, No 5801, dated 11th Oct. 1910	
62	Estimate of Clothing (three leaves)		
63	Report on Securities of Subordinate Officials		
64	Sanitary Jails, Form No 1	G R, J D, No 1451, dated 9th March 1911	
65	Sanitary Jails, Form No. 2		
66	Tender Forms		
67	Tender Forms, Comparative Statement of Contract Rates.		
68	Annual Sick Return		
69	Sanitary Sheets		
	MISCELLANEOUS		
70	Estimate of Dead Stock		
71	Application for Copy of Finding to appeal.		
72	Acknowledgment of writs, etc		
73	Acknowledgment of Intimation of Recovery of Fine	G R, J D, No 5801, dated 11th Oct 1910	
74	Bill for Articles purchased from Factory, in books of 100 leaves each.		
75	Receipt Book, of 100 leaves each	I G P's letter No 2531, dated 23rd March 1911	
76	Certificate of Release	G R, J D, No 5801, dated 11th Oct. 1910	
77	Certificate under Remission Rules		
78	Casualty and Inquest Report		
79	Descriptive Roll of Transportation Convicts		
80	Daily Task Ticket for Workshed		
81	Extra Establishment—Application for		
82	Extracts to Police about Habituals		
83	Report of Execution		
84	Inquiry Letter Form re Previous Convictions		
85	Inquiry Letter Form re Classifying Prisoners as Habituals		
86	Order for Gatekeeper to pass Articles out, of 100 leaves each		
87	Invoices of Articles sold to other Government Departments.		
88	List of Witnesses on behalf of Prisoners.		
89	Nominal Roll of Prisoners transferred (whole sheet).		

Only issued to Pen
bay Prisons.

Standard new number	Name and description of Form	Authority by which its use is prescribed	Remarks
1	2	3	4
MISCELLANEOUS—continued.			
90	Prices, current	G. R., J. D., No 5801, dated 11th October 1910	Under I M G of Prisons' Authority.
91	Morning Report and Diet Table of Prison Hospital.		
92	Register of Petitions to High Court (loose sheets)		
93	Report of Epidemic Diseases (Daily) to I G of Prisons Office.		
94	Nominal Roll of Prisoners transfer red from Sub-Jails.		
95	Security Bonds—Personal		
96	Security Bonds—Cash		
97	Do. Do. Do. Do.		
98	Do. Do. Do. Do.		
99	Do. Do. Do. Do.		
100	Tickets (Body), inner sheets, cloth lined.	G. R., J. D., No 1848, dated 10th March 1913	
101	Weight Chart, cloth lined		
102	Tickets (Body), Under trial Prisoners		
103	Transfer Form A		
104	Do. B		
105	Do. C		
106	Do. D		
107	Do. E		
108	Railway Accommodation Requisition		
109	Extracts from the Under trial Register		
110	Forwarding Letter of Petition to Government.	G. R., J. D., No 5901, dated 11th Oct. 1910	
111	Do. Condemned Prisoner		
112	Jewellery Ticket, with covers		
112A	Do without covers		
113	Nominal Roll of a Police Transfer convict.		
114	Requisition for Police Guards, in books of 50 leaves each.		
115	Statement of Recovery of fine on behalf of Prisoners		
116	Requisition on Treasury for Transfer Receipt.		
117	Nominal Roll of life transportation convicts		
118	Memorandum regarding prompt remittance of Factory Outstand ing Debts		
119	Clothing Chart Triplot, E M G	C's letter No 9122, dated 10th September 1913 G. R., J. D., No 5801, dated 11th Oct 1910	

Standard new number	Name and description of Form	Authority by which its use is prescribed	Remarks.
1	2	3	4
JAIL SPECIAL			
120	Solitary Confinement		
121	Cellular do		
122	Separate do		
122	Penal diet		
123	Ration Slip to Butcher, in books of 100 leaves each		
124	Notification regarding transfer of		
125	" " " " or		
126			
127	Labels for released warrants		
128	Ration Slip to Contractors, books of 100 leaves each		
129	True Copy of Government Memo		
130	Statement of Punishments inflicted for Inspector General's sanction in books of 100 leaves each		
131	Register of Prisoners sentenced to Judicial solitary confinement (100 leaves each)		
132	Register of appeals preferred by convicts 100 leaves each		
133	Statement of deferred pay	G R J D No 1222 dated 28th February 1911	
134	List of prisoners to be released under remission		
135	Certificate of Previous Convictions		
136	Statement of Adjustments		
137	Chart from Prison Hospital regarding Sick Prisoners.		
138	Cash Memo		
139	Intimation to Magistrate of convicts sent to his Court for trial or giving evidence		
140	Letter to Magistrate regarding discrepancies noticed in the Warrant in the case of prisoners convicted etc		
141	Register of prisoners sent out under Prisoners Act III 1900 books of 24 leaves each.		
142	Loom Ticket (loose)		
143	Cash Memo, blocks of 300 leaves each.		
144	Statement of Sterling Value	I C P s letter No 7482 dated 17th July 1911	
145	File boards (of Dugree cloth)	I G s letter No 9122 dated 10th September 1913	

